



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD PUBLIC HEARING

Thursday, July 19, 2018 – 7:00 p.m. – Town Hall Conference Room

Members Present: Frank Catapano, Stu Gerome, David Moore, Rich Winsor, Steve Gerrato (Alternate), Catie Medeiros (Alternate), Paul Sanderson (Selectmen’s Rep)

Members Absent: James Connelly, John McDevitt

Staff Present: Mark Fougere - Consultant

Chair Gerome opened the Planning Board public hearing at 7:00 p.m. A roll call was taken by the Chair; he announced a quorum was present and the meeting was being recorded.

1. Projects of Regional Impact

There were no projects of regional impact to discuss.

2. Subdivision of Land: 475 Great Bay Road [Map R12, 33 – Residential Zone]

Owner/Applicant: OWLS Legacy Group, LLC

Proposed minor subdivision of an existing two family into a two unit condominium.

The application was continued from the meeting on Thursday, June 21, 2018. Tim Wilkinson, owner and applicant, addressed the Board. The application was accepted as complete at that meeting; septic and floor plans were reviewed at the June meeting as well.

There were concerns from abutters about drainage. The revised plan included verbiage from the original purchase of the parcel (found on the deed). There is an easement for the railroad; they have use of and access to the pipe at any time. Maintenance is the responsibility of the property owner and any successors. R. Winsor clarified that an abutter had concerns about drainage flowing across the road; it blocks up and there is serious water. The abutter wanted to know how it would be dealt with and maintained. T. Wilkinson stated that the drainage information would be included in the condo docs so the unit owners would know that the homeowners association was responsible for maintenance.

P. Sanderson stated that the information addressed the Board’s concerns. He thanked the applicant for providing the information and felt the drainage would be much better. There being no other Board comments, Chair Gerome opened the meeting to public comments.

Deborah Beck, 480 Great Bay Road: There was an issue on Great Bay Road where the water flows east to west. Someone had put gravel there, and she wanted verbiage that it would be maintained so the water is allowed to travel. There is major drainage work that needs to occur at that location. Richard Sullivan had dumped gravel in the culvert on the west side of Great Bay Road. It’s still there and has impeded the water going through; it backs up on her property. The water flowed through better once it was opened

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up but not cleaned out. The railroad culvert wasn't really clogged; there are three pipes that run next to the railroad tracks and where the water comes across Great Bay Road. She asked verbiage be included that the water is allowed to flow and drain, and not just from the railroad easement. D. Beck pointed out on the plan the area of concern. She stated it was very important that the water continue to flow, and it was imperative that all the drainage on the property works. D. Beck stated she would be happy to clear the gravel out so it wasn't restrictive. P. Sanderson asked T. Wilkinson if he would be willing to give D. Beck permission to clear the culvert to her satisfaction; he was agreeable with that. T. Wilkinson stated it could also be noted in the condo docs that there were two locations to be maintained. Chair Gerome was in agreement it could be noted there were two areas to be kept open. D. Beck continued that although it's a wet piece of property, it will be fine if it's maintained.

There being no further public comments, Chair Gerome closed the public hearing and returned to the Board. The applicant requested three waivers.

MOTION: R. Winsor moved to grant the waiver from Section 3, Subsection 3.3 – Stormwater, Soil Type and Construction Plans, of the Subdivision Regulations, to the plan presented by Atlantic Survey, dated May 2018, Project No. 18123. Second – D. Moore; all in favor. MOTION CARRIED

R. Winsor stated that from a maintenance perspective, nothing can be done in that area because it's wet. Any development in that area is a violation. P. Sanderson added that in order to clear gravel from a State right-of-way, the Town has a general wetlands permit for maintenance of drainage structures. With the supervision of the Building Inspector, clearing out the culvert can be done with the Town's general permit. R. Winsor noted that dumping gravel there is a violation and should be self-policing. T. Wilkson and D. Beck should be able to work out an amicable agreement to remove the gravel, and didn't see the need to add more verbiage.

MOTION: R. Winsor moved to approve the subdivision of 475 Great Bay Road, Map R12, Lot 33, into two units in accordance with the condominium plan by Atlantic Survey Co., LLC dated May 2018, Project No. 18123, with the following conditions: NHDES Subdivision Approval, stamped and signed survey plan, all missing lot bounds must be set prior to recording, the applicant must submit a final full plan set (22"x34") and an 11"x17" plan copy as part of the Planning Board file, and the applicant must submit a digital copy (CD ROM or thumb drive) of the final full plan set as part of the Planning Board file. Second – P. Sanderson; all in favor. MOTION CARRIED

3. Site Plan Review: 63 Ocean Road [Map R21, 43 – Commercial C]
Owner: The Napoli Group, LLC
Applicant: McDonald's USA, LLC
Proposed redesign of drive-thru configuration, accessibility upgrades, and interior/exterior building remodel.

This application was continued from the meeting on Thursday, June 21, 2018. Bill Lucas, Bohler Engineering and representing the owner and applicant, addressed the Board. Although Francis Essien, Construction Manager and Architect, was not present, he was responsible for going back to McDonald's and the owner/operator of McDonald's on 63 Ocean Road to review the architecture discussion at the June meeting. As a result of those discussions with all parties involved, they have chosen not to move forward with any of the proposed improvements to the exterior of the building. They would like to move forward with the interior improvements, accessibility, upgrades to the facility, dining experience and the site improvements to the lot. Improvements to the lot are mainly accessibility, including the concrete pad near the handicap accessible stalls, a crosswalk to the sidewalk along the building (a

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portion may have to be replaced because it's brick and is non-compliant) and menu boards. No other changes are planned to the exterior: no new signage and the look will stay as is.

B. Lucas told the Board they were amending their application and requesting approval with conditions to be approved by M. Fougere once revisions were made to the plans. M. Fougere stated that very minor changes were being made to the parking lot and will meet ADA requirements; the Planning Board should sign off on the revisions. M. Fougere added that the plan set will need to be amended due to the references to elevations; he will review the new plan when it's submitted. Any unnecessary elements and references to elevations should be removed. There will not be any elevation changes to the parking lot. There was a discussion about the menu boards. LED lighting is allowed under the Sign Ordinance. M. Fougere noted that signs and the menu boards will need to be submitted as a permit request to the Building Inspector; it must meet the requirements of the Sign Ordinance. If it doesn't meet the Ordinance, the option is to go to the ZBA. B. Lucas told the Board the existing menu board is 40 sq. ft.; the new board will be 20 sq. ft. It will be in the same location.

Chair Gerome opened the meeting to public comments. There being none, he closed the public hearing and returned to the Board.

MOTION: P. Sanderson moved to approve the owner/applicant's request for site plan modification for Map R21 Lot 43, in accordance with the plan by Bohler Engineering, plan set dated 05.25.2018 as updated and amended 07.2018, Project No. M182006, for property located at 63 Ocean Road, with the following conditions: the Planning Board is not approving the sign package (menu boards) submitted with the plan, which will be reviewed and approved by the Building Inspector; there will be no exterior modifications and the plan must be reviewed and approved by the Planning Board Consultant. Second – R. Winsor; all in favor. MOTION CARRIED

4. Conditional Use Permit: Electric Transmission Line Right-of-Way
Applicant: Public Service Company of New Hampshire dba Eversource Energy
The applicant is proposing to replace and/or remove select existing 115 kV transmission structures on the A126 and S153 lines as well as the 3191 distribution line in Greenland. The proposed work requires temporary impacts to wetlands.

Ryan Fredette, Eversource Project Manager – Transmission Line Maintenance Crew, addressed the Board. They were seeking a Conditional Use Permit for maintenance work for a project located between Post Road and I-95. Many of the structures are located within wetlands.

Since they met with the Conservation Commission at the beginning of July, engineering changes have been made to the mapping. Work pads were shown at existing structure locations; some structures are being eliminated. The result is fewer structures and the need to revise the mapping. A representative from VHB (they do the permitting for Eversource) stated that even though there are fewer structures, a few work pads are needed to remove the structures. The impact area increases from 185,000 sq. ft. to 202,500 sq. ft. The structure closest to Packer Brook will be moved farther away from the stream. The changes have been sent to NHDES; they are seeking a standard Dredge & Fill Permit.

R. Fredette reviewed the number of structures on the transmission lines. There are currently 27 structures; the final number will be 23. Matting will also be replaced along a transmission line, with no additional impact, by a different department under the same permit.

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During construction, there is an Environmental Monitor on site. An Environmental Scientist will be checking the way the mats are placed. They will also be checking for aquatic life before construction is started, during construction and when mats are pulled out. There will be a fair amount of oversight.

The general design looks similar to what is currently there. Structures are currently wooden; new structures will be light duty steel and wood pole equivalent. The steel tends to last longer than the wood. Poles will be direct-embedded: a hole will be drilled, the corrugated metal pipe installed and backfill with crushed stone; concrete is not required.

M. Fougere commented that the application meets the criteria for a Conditional Use Permit. Utility lines are a critical infrastructure. Eversource is doing this State-wide.

MOTION: R. Winsor moved to accept the application as complete. Second – F. Catapano; all in favor.
MOTION CARRIED

P. Sanderson suggested any approval be subject to DES conditions on the Dredge & Fill permit. This application doesn't need an AOT permit. R. Winsor confirmed that the Dredge & Fill permit would include any remediation. P. Sanderson assured him it would not be the Town's responsibility.

Chair Gerome opened the meeting to public comments. There being none, he closed the public hearing and returned to the Board.

MOTION: P. Sanderson moved to approve the request from Eversource for a Conditional Use Permit for transmission line maintenance for lines A126, S153 and 3191 as shown on Project Permitting Plans 1-6 attached to the application, subject only to conditions placed by NHDES on the Dredge & Fill Permit. Second – R. Winsor; all in favor. MOTION CARRIED

5. Approval of Minutes

Approval of minutes was continued to the next meeting.

6. Approval of Invoices

MOTION: C. Medeiros moved to approve the payment of the following invoices: from the Planning Board Town Budget, Fougere Planning & Development - \$1,183.86; from the Planning Board Escrow Account, Fougere Planning & Development - \$451.25 and Underwood Engineers - \$303.43. Second – R. Winsor; all in favor. MOTION CARRIED

7. Other Business

M. Fougere updated the Board that Lonza was tabled again at the Portsmouth TAC meeting. If that project goes forward and the Board felt an aggressive stand should be made, he recommended the Town be well-represented by counsel. If the Planning Board was in agreement, the recommendation should be forwarded to the Board of Selectmen. After researching their minutes, M. Fougere found that Portsmouth hasn't been making a determination on their applications for regional impact, which is required by their code as well as State statute. Lonza's existing building only (they don't tax the land) is valued at \$150 million; they pay the City \$2.4 million per year in taxes. The proposed buildings will total 344,000 sq. ft. and valued at approximately \$77 million, paying \$1.1 million in taxes. M. Fougere noted that the City's tax rate has decreased three years in a row.

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Chair Gerome stated that the conflict is the Town's Attorney is on the PDA Board. M. Fougere responded that another attorney would have to be hired. P. Sanderson stated there would be transportation and water issues (the majority of water going to Pease is from Greenland). The Board was in agreement that Greenland "had some things to say". Projects of Regional Impact will be added to the Board of Selectmen agenda for Monday, July 23, 2018.

M. Fougere told the Board he was "not impressed" with the Planning Director in Portsmouth. The Planning Director stated they couldn't force the State to make the improvements. P. Sanderson added they needed to deal with the transportation and utility impact due to expansion at Pease. M. Fougere stated a TDR assessment couldn't be done with this project. However, the City of Portsmouth could allocate \$1 million in revenue to a capital fund for road improvements on an annual basis until the improvements are made. P. Sanderson added the money is there for a local match to federal money for improvements to be done on the Rt. 33 corridor. M. Fougere responded that the funding is there if they want to cooperate. P. Sanderson stated the Board should be advocating they are required to set the money aside for local match for transportation improvement. The State can't be forced to build it; however, the Board could certainly do its best to be on the 10 year plan and have local match available to fund it.

8. Topics for the Work Session: Thursday, August 02, 2018

The Library Trustees will be at the work session on Thursday, August 02, 2018. No information for that meeting has been received. P. Sanderson stated that as a Selectman he still has questions and concerns. The Trustees have asked him to recuse himself from the Planning Board meetings; Selectman Hussey will be representing the Board of Selectmen. P. Sanderson will be in attendance at those Planning Board meetings.

9. Adjournment

MOTION: R. Winsor moved to adjourn at 7:40 p.m. Second – F. Catapano; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, August 02, 2018 – 7:00 p.m., Work Session, Town Hall Conference Room

Respectfully Submitted: Charlotte Hussey, Secretary to the Boards

Approved: