

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

JANUARY 19, 2017

MEMBERS PRESENT: John Ricci, Chairman; Elizabeth Moreau, Vice Chairman; Rebecca Perkins, City Council Representative; Nancy Colbert-Puff, Deputy City Manager; David Moore, Assistant City Manager; Colby Gamester; Jay Leduc; Dexter Legg; Jody Record; Jeffrey Kisiel, Alternate; and Jane Begala, Alternate

ALSO PRESENT: Mr. Taintor, Planning Director;

MEMBERS ABSENT: N/A

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I. ELECTION OF OFFICERS

Vice Chairman Moreau moved to postpone elections until the February 16, 2017 meeting, seconded by Mr. Gamester. The motion passed unanimously.

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II. CAPITAL IMPROVEMENT PLAN

A. Presentation and adoption of FY 2018–2023 Capital Improvement Plan

Deputy City Manager Colbert Puff provided a brief overview of the CIP Plan. She highlighted the procedures involved.

Mr. Legg moved to adopt the FY2018-2023 Capital Improvement Plan, seconded by Vice Chairman Moreau. The motion passed by a unanimous vote.

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III. APPROVAL OF MINUTES

A. Approval of Minutes from the December 15, 2016 Planning Board Meeting;

Vice Chairman Moreau moved to approve the minutes from the December 15, 2016 Planning Board meeting, seconded by Mr. Legg. The motion passed unanimously.

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IV. DETERMINATIONS OF COMPLETENESS

A. Subdivision:

- 1. The application of the the **City of Portsmouth and John W. Gray Revocable Trust and Bradford A. Gray Revocable Trust, Owners**, for properties located off Bridge Street and at 126 Bridge Street (Lot Line Revision).

Vice Chairman Moreau moved to determine that the application is complete according to the Subdivision Rules and Regulations and to accept it for consideration, seconded by Mr. Legg. The motion passed unanimously.

B. Site Plan Approval:

- 1. The application of **City of Portsmouth, Owner**, for property located off **Bridge Street and Rock Street**.

Mr. Legg moved to determine that the application is complete according to the Site Review Regulations and to accept it for consideration, seconded by Mr. Gamester. The motion passed unanimously.

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V. 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 request of **Deer Street Associates, Owner**, for property located at **165 Deer Street and 181 Hill Street** for design review of proposals to construct three mixed-use buildings fronting on Deer Street and a fourth mixed-use building fronting on a future public street off Bridge Street to be created in association with the City’s new parking garage. Said properties are shown on Assessor Map 125 as Lot17 and Assessor Map 138 as Lot 62 and all lots lie within the CD5 District and the Downtown Overlay District (DOD) and two of the proposed buildings lie within the Historic District. (This request was postponed from the December 15, 2016 Planning Board Meeting.)

The Chair read the notice into the record.

Mr. Taintor explained that the previous meeting provided a brief presentation and the public hearing was postponed to this meeting. A workshop was held on January 12, 2017 with the Planning Board.

SPEAKING TO THE REQUEST:

Ms. Tracy Kozak, JSA Inc., provided a brief overview of the project and presented the overall site and elevation plans. She explained the consideration for reducing the space between buildings 3, 4, and 5 and moving the community space. Ways to maximize parking were considered, which included replacing the underground parking ramp at Building 5 with parking elevators or lifts. That could allow

them to stack cars and double the parking by about 10-13 spaces. A revised traffic circulation design was presented to show the traffic moving counter clockwise. Other miscellaneous revisions were highlighted to include activating the streetscape at Building 3 and raised building floor levels.

Vice Chairman Moreau asked how the traffic pattern at Building 4 is anticipated. Ms. Kozak explained that it would share unloading with Building 3 and 5.

Ms. Record asked if the entrance split between Building 4 and 5 could conceivably hold three cars. Mr. Joseph Kiefner, GeoInsight Inc., confirmed that when the bank queue line stacks up then the traffic flow behind would back up.

Chairman Ricci asked if anyone was present from the public wishing to speak to, for, or against the application.

Ms. Penny Reynolds, Prospect Street, questioned why underground parking is a possibility at building 5, but not other parking garages.

Mr. Fred Dolman, 136 Hill Street, expressed concerns that a 4 or 5-story building will look out of proportion. He suggested that Hill Street be evaluated in the traffic impact analysis.

Mr. Robert Vaccaro, 411 Middle Street, spoke in favor of the open space component, although the proposed design appears artificial. He suggested moving the public space on Lot 2 instead between Lot 3 and Lot 4. He described the advantages with that orientation including the visual appeal that it could provide to the surrounding viewsapes.

Mr. Jerry Zelin, 70 Kensington Road, commended the design process the Board is undergoing. He noted that there are some citizens who are upset about the neighboring buildings, but felt there is a lot to commend from a macro perspective.

Mr. Rick Becksted, 1395 Islington St, expressed concerns regarding Lot 6 and thought the two buildings that exist there are worth restoring. He was concerned it would reduce the number of overall workforce housing units.

Ms. Barbara DeStefano, 99 Hanover St, spoke in favor of the project and felt it fits in with the discussion had at the North End charrette.

Chairman Ricci called for second time speakers wishing to speak to, for, or against the application.

Mr. Becksted felt the proposed plan is an overdevelopment and provided examples of similar past developments. It could potentially overpower the surrounding area that the Historic District Commission has worked hard to preserve.

Mr. Don Uden, 349 Hanover Street #3, felt the impacts on Hill Street are noteworthy given the number of units in Building 6 with associate underground parking.

Mr. Zelin stated that the City will receive a net increase of 300 spaces in the first three years between the two garages. He questioned why the retail space occupants should receive a discount in the garage.

The suggested that a shadow study on the community space could help to suggest reconfiguration of that area.

Mr. Becksted expressed interest in another public session to invite comments to the project.

Kim Rogers, GL Rogers, clarified that 181 Hill Street has two duplexes and four residences. The rental rates are below workforce housing standard and the quality of the units is to be desired.

The Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Taintor explained that the applicant came forward with five separate plans in one application. The next step in the process is to split the projects into singular applications. It may be possible that there will be two applications in the Historic District that may take longer than the others, thus, it will be important to coordinate the cross easements.

Vice Chairman Moreau suggested that Lot 3 has its own access point because of the concern for having only one access point for those three buildings. Ms. Begala suggested that parking requirements and calculations be identified on the plan. Mr. Moore acknowledged the comments related to the design and suspects further developed plans for the upper story configurations and the open spaces.

Mr. Legg moved to end the Design Review stage, seconded by Councilor Perkins. The motion passed unanimously.

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Mr. Legg moved to hear Items VIA, VIAB, and VIIA together and vote separately, seconded by Vice Chairman Moreau. The motion passed unanimously.
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VI. PUBLIC HEARINGS – NEW BUSINESS

*The Board’s action in these matters has been deemed to be quasi-judicial in nature.
If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

A. The application of the **City of Portsmouth, Owner**, for property located off Bridge Street, and **John W. Gray Revocable Trust and Bradford A. Gray Revocable Trust, Owners**, for property located at 126 Bridge Street, requesting Preliminary and Final Subdivision Approval (Lot Line Revision) between two lots as follows:

- a. Map 125, Lot 16 decreasing in area from 27,063 ± s.f. (0.6213 ± acres) to 26,727 ± s.f. (0.6136 ± acres) with 128.84’ of continuous street frontage along Bridge Street.
- b. Map 138, Lot 62-1 increasing in area from 54,017± s.f. (1.2401 ± acres) to 54,353 ± s.f. (1.2478 ± acres) with 58.09’ of continuous street frontage along Bridge Street.

Said lots lie within the Municipal (M) district, Character District 5 (CD5), and the Downtown Overlay District (DOD).

The Chair read the notice into the record.

Mr. Taintor referenced the state law by which governmental entities bring uses that are statutorily or traditionally governmental uses in nature. The role is not so much site plan approval, but rather advising. There is no change in the subdivision.

SPEAKING TO THE APPLICATION

Mr. David Allen, City of Portsmouth Project Manager, provided a brief background of the project to include the various studies, recommendations, and plans related to parking that ultimately resulted in the current site being selected for further planning for acquisition and development of the parking garage. They will build the street, utilities, and use Lot 6 to gain entrance into the garage.

Mr. John Chagnon, Ambit Engineering, discussed the subdivision and referral to City Council. There is a transfer of ownership for a small triangle plot of land from the Owners to the City to retain the roadway width. The lot line relocation plan was presented. The proposed City Right-of-Way is necessary to create adequate frontage.

Mr. Gregg Mikolaities, Tighe & Bond, noted that several meetings were conducted with the neighborhoods, Deer Street Associates, and city staff. The proposed parking garage overview was provided noting the roadway width, access points, and parking designations. He explained the various utilities to be installed on the site that will benefit the community.

Vice Chairman Moreau asked if the property can be accessed from a different road. Mr. Mikolaities explained that the turnaround area is at grade, which is where it can be accessed.

Mr. Taintor explained the dedication and acceptance as a public street is part of the referral. When that happens, it will give the parcel legal frontage. He explained the garage entrances and who will likely be accessing those entrances.

Mr. Kevin Dandrade, TEC Inc, explained that the transportation study will assess the impacts of the garage and Deer Street Associates private development combined. He provided further details regarding the traffic impact study that was previously conducted. The offsite mitigation for the expected changes in traffic patterns include sidewalk enhancements, restriping, signal timing, and signage improvements. The proposed improvements to Deer St were mentioned. Mr. Legg asked if the traffic analysis will demonstrate the wait time at the intersection of Deer Street and Bridge Street during peak times. Mr. Dandrade stated no more than four vehicles at the turn thru lane will likely be sighted because of the volume of traffic with delays at less than 15 seconds per vehicle. They don't anticipate the same queue one would see elsewhere because there isn't thru traffic. Vice Chairman Moreau encouraged the consideration of impacts on Hill Street. Mr. Taintor noted that it is private property at 181 Hill Street, so there are limitations to what can be done in that area. Mr. Leduc thought the planned capital improvements for Maplewood Avenue will help to unlock additional capacity than what exists today.

Mr. Chris Brennan, Walker Parking, described the size and configuration of the primary garage entrance, flex space, and pedestrian access ways.

Mr. Allen explained the schematic design is almost complete and it will then be referred back to the parking garage committee. An RFP is under solicitation for a construction management team that they

hope to move forward with in February. The intent is for most of the street and site work to be completed in the summer and garage work to begin in the fall.

Chairman Ricci asked if anyone was present from the public wishing to speak to, for, or against the application.

Mr. Peter Happny, 66 Rock Street, advocated that the proposed building is visually exciting and appealing. He’s willing to work with the staff to run utilities across his property.

The Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Ms. Colbert Puff moved to grant Preliminary and Final Subdivision approval with the following stipulations:

- 1. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
- 2. GIS data shall be provided to the Department of Public Works in the form as required by the City.*
- 3. The final plat shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

Seconded by Vice Chairman Moreau. The motion passed unanimously.

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B. The application of the **City of Portsmouth, Owner**, for property located off **Bridge Street and Rock Street**, requesting Site Plan Approval for the demolition of the existing building and the construction of a 36,400 ± s.f., 600-space parking structure with mixed use on the ground level and related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 138, Lots 60 & 62-1 and lie within the Municipal (M) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION

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

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to grant Site Plan Review approval with the following stipulation:

- 1. Off-site improvements as identified in the traffic impact study shall be completed in conjunction with the project.*

Seconded by Mr. Legg. The motion passed unanimously.

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C. The application of **Gregory C. and Sandra M. Desisto, Owners**, for property located at **36 Shaw Road**, requesting Amended Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland and tidal wetland buffers to remove a bulkhead, remove an air conditioner pad, add heat pump pads, add a buried propane tank and reconfigure a rain garden, the drain line and manhole, with 7 ± s.f. of permanent impact and 375 ± s.f. of temporary impact to the wetland buffer. Said property is shown on Assessor Map 223 as Lot 22 and lies within the Single Residence B (SRB) District. (Conditional Use Permit approval was granted at the September 17, 2015 Planning Board Meeting.)

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION

Ms. Desisto explained that she plans to rectify various utility improvements. She clarified to Chairman Ricci that Goshen stone is a specific stone from Massachusetts that will be used.

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

DISCUSSION AND DECISION OF THE BOARD

Mr. Moore moved to grant Amended Conditional Use Permit Approval, seconded by Vice Chairman Moreau. The motion passed unanimously.

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VII. CITY COUNCIL REFERRALS/REQUESTS

*The Board's action in these matters has been deemed to be legislative 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. Proposed construction and acceptance of a public way between Bridge Street and Rock Street.

Mr. Legg moved to recommend that the City construct the proposed new street as shown on the Deer Street Parking Garage site plans dated January 11, 2017 (including any revisions that may be approved by the Planning Board through the Site Plan Review process), and to recommend that the new street be dedicated and accepted as a City street upon completion of construction in accordance with the approved plans, seconded by Councilor Perkins. The motion passed unanimously.

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B. Request to restore involuntarily merged lots at 21 Elwyn Avenue to their premerger status.

Mr. Taintor noted that there are two requests. The law was enacted a few years ago and there was a bit of controversy about it. The Council decided that they want to refer to Planning Board for review. Under this law, it is not a subdivision, but a lot is being divided. The standard is that if no owner has voluntarily merged the lots, which is using it in a way that indicates the owner regarded it as merge,

the Council shall merge their lots to their premerger status. Because there are different sources of the lot lines and layers there could be a difference of 3 or 4 feet. He felt inclined to suggest to restore to premerger status. If the house does cross property line, an easement to sell the lot will be necessary at which that time a survey and Zoning Board of Adjustment approval would be needed.

Mr. Legg moved to recommend to the City Council that the parcel at 21 Elwyn Avenue should be restored to its premerger status as two lots, and municipal zoning and tax maps be updated to identify the premerger status of the lots as shown on the 1899 plan recorded at the Rockingham County Registry of Deeds, seconded by Ms. Colbert Puff. The motion passed unanimously.

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C. Request to restore involuntarily merged lots at 70 Sims Avenue to their premerger status.

Mr. Taintor explained the history of the City’s ownership of the lot and the purpose for the request to restore the lots to their premerger status.

Vice Chairman Moreau moved to recommend to the City Council that the parcel at 70 Sims Avenue should be restored to its premerger status as three lots, and municipal zoning and tax maps be updated to identify the premerger status of the three lots as shown on the 1918 plan recorded at the Rockingham County Registry of Deeds, seconded by Mr. Legg. The motion passed unanimously.

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VIII. OTHER BUSINESS

A. The request of **299 Vaughan Street, LLC, Owner**, for property located at **299 Vaughan Street**, and **Sanel Realty Co., Inc., Owner**, for property located at **225 Vaughan Street**, requesting preliminary conceptual consultation of a proposal to construct a 39,950 ± s.f. (footprint) hotel with a height of 60’, and a waterfront community park. Said properties are shown on Assessor Map 124 as Lots 10, 11 & 15 and lie within the CD4 (Lot 15) and CD5 (Lots 10 & 11), the North End Incentive Overlay District, the Downtown Overlay District (DOD) and the Historic District.

The Chair read the notice into the record.

SPEAKING TO THE REQUEST

Mr. Jeff Johnston, Cathartes, provided brief highlights of the conceptual plan. A portion of the park would be deeded to the community for public access and it is similar size as the Worth lot. They propose a 5-story building and not utilize the incentives for a 6-story building.

Ms. Carla Goodknight, CJ Architects, added that the area used to be part of North Mill Pond and then later filled. She explained the proposed uses for each building and the foot traffic around each. Liner buildings are being considered to enclose the parking area.

Mr. Patrick Crimmins, Tighe & Bond, noted that the area around Green Street will likely be the focus of the project. The building will be setback and sidewalks widened. The cluster in the back of the parking area has been discussed with Eversource and determined it is an appropriate location for

transformers and trash. The utility connections would fall on Green Street and sewer service along Vaughn Street. The increase in runoff is not a large concern because of what exists there now, but it will need to be treated. A rain garden was installed with the original construction of the parking.

Ms. Goodknight highlighted that the waterfront length is approximately 780 feet which is less than half of the Prescott Park's.

Vice Chairman Moreau asked if public access would be provided to the park. Mr. Johnston replied that some form of an easement on the right side of the building and also through 3S Artspace.

The Board discussed the importance of creating the connections to promote a pedestrian flow of traffic. Mr. Johnston noted that the building will serve both wedding and corporate functions with an associated restaurant and bar. The goal is to deed the site. Mr. Taintor advised to screen Market Street views and to consider the quality of the façade at the path between the pond and Market Street.

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IX. ADJOURNMENT

A motion to adjourn at 10:37 pm was made, seconded and passed unanimously.

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Respectfully Submitted,

Marissa Day
Acting Secretary for the Planning Board

These minutes were approved at the February 16, 2017 Planning Board Meeting.