

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

6:30 P.M.

FEBRUARY 16, 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; and Jeffrey Kisiel, Alternate

ALSO PRESENT: Mr. Taintor, Planning Director;

MEMBERS ABSENT: Jane Begala, Alternate

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Mr. Legg moved to review Item III out of order, seconded by Mr. Gamester. The motion passed unanimously.

I. ELECTION OF OFFICERS

Rick Taintor presided over election of Chairman and Vice Chairman.

It was moved, seconded, and passed unanimously to elect Dexter Legg as Chairman and Beth Moreau as Vice Chairman.

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II. APPROVAL OF MINUTES

- A. Approval of Minutes from the January 12, 2017 Planning Board Work Session.
- B. Approval of Minutes from the January 19, 2017 Planning Board Meeting.
- C. Approval of Minutes from the January 26, 2017 Planning Board Work Session.

Mr. Gamester moved to approve all three sets of minutes as presented, seconded by Vice Chairman Moreau. The motion passed unanimously.

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III. PRELIMINARY CONCEPTUAL CONSULTATION

- A. Request for Preliminary Conceptual Consultation for Borthwick Forest property.
(Joint meeting with the Conservation Commission)

Mr. Taintor noted the concerns raised in past proposals for the parcel regarding impact on the residential neighborhoods, natural resource systems, and the proposed thru roadway. Previous applications did not include an at-grade crossing and the Conservation Commission had expressed

various concerns regarding that configuration. The revised plan in the current proposal attempts to address said concerns. The proposed project consists of constructing an office building off an emergency access road with a cul-de-sac.

Mr. Patrick Crimmins, Tighe & Bond, briefly explained the details of the plan. The emergency access road was detailed and he noted that a 10-foot multiuse path would connect to that road. A conditional use permit will be required due to the way existing easements force the road to be located in the wetland buffer. A portion of the existing roadway would be removed and returned to a vegetated state, which results in a total net wetland buffer impact of 670 s.f. The office building is a three-story, 50,000 s.f. building with associated parking, and two driveway entrances. A separate storm water management system will be necessary.

Ms. Allison Tanner, Conservation Commission, suggested to consider reinforcing the existing roadway rather than creating a new one elsewhere and eliminating the existing roadway. Mr. Crimmins replied that it can be considered.

Mr. Leduc asked why the cul-de-sac is necessary. Mr. Crimmins explained that it will provide a turnaround for people who accidentally traveled down to the site, especially for larger vehicles. He added that it will also be a public road, thus, the cul-de-sac will be required.

Chairman Ricci asked if there will be other lots developed in the area. Mr. Crimmins replied that the future development is uncertain and that is why the cul-de-sac is in that location. Chairman Ricci felt it would make sense to locate the cul-de-sac in the most appropriate location in a fully built out scenario.

Mr. Steve Miller, Conservation Commission, emphasized the wildlife habitat that exists in the area and supported Ms. Tanner's notion to pave the existing roadway.

Ms. Barbara McMillan, Conservation Commission, questioned the location of the cul-de-sac and whether the emergency access road would eventually become a connecting road. Mr. Robert Ciandella, representing the applicant, replied that the cul-de-sac location is what was advised given the current situation and the long-term plan is unknown.

Mr. Moore suggested to consider the locating the multiuse path outside the buffer.

Further discussion was had on whether or not to construct a new roadway or improve the existing roadway to standards with consideration for the buffer area. The existing roadway would need to be widened and improved, which may or may not outweigh the benefits to constructing an entirely new one elsewhere. Mr. Taintor suggested to present to the Conservation Commission and Technical Advisory Committee two possible scenarios in those respective meetings. Mr. Crimmins noted that both scenarios can be considered.

The joint work session concluded and no action was required.

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IV. MASTER PLAN

A. Public hearing on the Portsmouth 2025 Master Plan.

Mr. Taintor highlighted the amount of community engagement involved in the Master Plan effort. He recognized Jessa Berna, the project manager for the entire project. She put a tremendous amount of work and drafting the language for the Plan. It is unique in format and the aesthetics contains several graphical elements. There were two letters received from the public mentioned.

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

Mr. Paul Mannle, 1490 Islington Street, encouraged the 2025 Master Plan include the statutory requirements that were included in the 2005 Master Plan and felt the 2025 was too vague.

Ms. Ester Kennedy, 41 Pickering Avenue, expressed concerns that the 2025 Master Plan did not include enough details regarding managing impacts of sea level rise and superfund site pollution.

Mr. Jerry Zelin, 70 Kensington Road, requested to include two action items: one that acknowledges concerns related to mass and scale of the urban core, and the other that identifies developing the north end into a mixed use concept. He recommended that the Plan promote growing the local economy.

Mr. Cliff Lazenby, 303 McKinley Road, commended the planning process and level of participation involved from the community. He felt the Plan is a great vision for the City.

The Chair closed the public hearing.

Mr. Taintor suggested to make Action 2.1.1 more specific by addressing mass, scale, and resilience with respect to the comment made by Mr. Zelin. Mr. Taintor noted that the Plan is equally as substantive compared to the last Plan, but is instead structured in a different manner. There are several other plans that help to provide further details on certain components of the Master Plan.

Mr. Legg moved to amend Action # 2.1.1 to read as follows:

2.1.1 – Implement standards and guidelines to protect community character and assets, including factors such as mass, scale and resilience.

and to adopt the Portsmouth 2025 Master Plan with that amendment, seconded by Vice Chairman Moreau. The motion passed unanimously.

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V. DETERMINATIONS OF COMPLETENESS

A. Site Plan Review

1. The application of **City of Portsmouth, Owner**, for property located at **305 Greenland Road**, requesting Site Plan Approval.

2. The application of **Merton Alan Investments, LLC, Owner**, and **Robert Graham, Agent/Applicant**, for property located at **30 Cate Street**.

Vice Chairman Moreau moved to accept both applications as complete, seconded by Mr. Legg. 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 **City of Portsmouth, Owner**, for property located at **305 Greenland Road**, requesting Site Plan Approval for the construction of a recreational field and future multi-use path and trail head, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 241, Lot 18 and lies within the Municipal (M) District.

The Chair read the notice into the record.

At the applicant's request, Vice Chairman Moreau moved to postpone the application indefinitely, seconded by Mr. Legg. The motion passed unanimously.

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B. The application of **One Way Realty, LLC, Owner**, and **406 Highway 1 By-Pass, LLC, Applicant**, for property located at **406 Route 1 Bypass**, requesting an Amended Conditional Use Permit for a Gateway Planned Development consisting of a new 3-story building containing a brewery and restaurant. Said property is shown on Assessor Map 172 as Lot 2 and lies within the Gateway (GW) District. (The Planning Board granted the Conditional Use Permit, subject to the stipulations of Site Plan approval, on October 15, 2015.)

The Chair read the notice into the record.

Mr. Taintor explained that it is a minor revision and could be administratively approved.

SPEAKING TO THE APPLICATION

Mr. John Chagnon, Ambit Engineering, explained that the plan was approved for brewery use. It was later realized that the building could be built smaller, which allowed the applicant to expand the parking making it inviting for a restaurant use.

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 Amended Conditional Use Permit Approval subject to the stipulations of Site Plan Approval, seconded by Mr. Gamester. The motion passed unanimously.

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C. The application of **Liberty Mutual Group, Owner**, for property located at **225 Borthwick Avenue**, requesting an Amended Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer including 1,207± s.f. of permanent impact to construct a 106 ± s.f. gravel sidewalk as an extension to a previously approved gravel sidewalk, a 158 ± s.f. concrete pad for cooling fans and 943 ± s.f. of new stone dust for areas within the generator pad enclosure. Said property is shown on Assessor Plan 240 as Lot 1 and lies within the Office Research (OR) District. (Conditional Use Permit Approval was previously granted by the Planning Board on March 15, 2012 and March 19, 2015.)

The Chair read the notice into the record.

Mr. Legg recused himself from the application.

SPEAKING TO THE APPLICATION

Ms. Malia Ohlson, Vanasse Hangen Brustlin, Inc., stated the project is substantially complete. The work thus far has been documented and improvements in the buffer were administratively approved. Specific details and calculations of the plan were provided.

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 Amended Conditional Use Permit Approval as presented, seconded by Mr. Gamester. The motion passed unanimously.

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D. The application of **Merton Alan Investments, LLC, Owner**, and **Robert Graham, Agent/Applicant**, for property located at **30 Cate Street**, requesting Site Plan Approval to construct a 26-unit residential townhouse development consisting of five 45'-tall buildings, ranging in size from 40' x 40' to 40' x 198', with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 165 as Lot 19 and lies within Character District 4—West End (CD4-W).

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION

Mr. Joseph Almeida, DeStefano Architects, noted that recent zoning changes have made the applicant propose a different development for the site than previously proposed.

Mr. Patrick Crimmins, Tighe & Bond, provided a brief overview of the project that proposes to construct 26 residential units amongst five buildings and a pocket park. A variance for the corner of the parcel was granted. Plans for sewer and storm water treatment was highlighted. He noted TAC stipulations were addressed with no issues. An easement would be granted to widen the corner of Cate

Street and Bartlett Street. A retaining wall along the back would help to mitigate any potential foot traffic through the site.

In response to questions from the Board, Mr. Crimmins stated that trash bins would be stored in the garage until curbside pickup time. He explained the grade changes on the site. Mr. Almeida stated the stoops would be made of cast concrete.

Mr. Taintor added this is the first phase of the Cate Street connection to the Bypass and the townhouses are a good use for the site. Eventually the townhouses could extend onto the next property and face across the street toward a future park at Hodgson Brook.

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. Leduc questioned whether or not the development could possibly impact the ability to do transportation improvements to Bartlett St. Mr. Taintor felt that the buildings are set back far enough to provide future space for improvements.

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

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

1. *The Landscape Plan shall include the following notes as required by the Site Plan Review Regulations:*
 1. *The property owner and all future property owners shall be responsible for the maintenance, repair and replacement of all required screening and landscape materials.*
 2. *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.*
 3. *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."*
2. *Utility Note #37 on Sheet C-5 should be re-worded as follows:*
"Final review of all utilities shall be made during the required sewer, water and drainage permit processes in coordination with DPW."
3. *A note shall be added to the Sheet C-5 to indicate that the stormwater design will comply with the City's MS4 Permit and that the project will require filing a Notice of Intent with the EPA for coverage under the Construction General Permit.*
4. *A construction plan for the installation of manhole PSMH1 shall be submitted to and approved by DPW.*
5. *The applicant shall confirm with DPW the appropriate pipe size and type and manhole size for the connection to the existing drainage system on Bartlett Street.*

6. *The applicant shall work with the Department of Public Works on the final redesign of Cate Street and on an appropriate sharing of costs for the work (or shall do the work in conjunction with the proposed project).*
7. *The applicant shall enter into a Memorandum of Agreement with the City regarding land transfers and easements necessary to implement the proposed site plan and roadway improvements, and cost sharing for the improvements to Cate Street.*
8. *The applicant shall prepare land transfer and easement plans showing the final delineation of land transfers and easements, which shall be subject to approval by the Planning and Public Works Departments.*
9. *The Site Plan and Landscape Plan (Sheets C-2 and C-6) and land transfer and easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed 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.*

Seconded by Mr. Legg. The motion passed unanimously.

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. The request of **The Owen Spinney Trust** to restore involuntarily merged lots at **630 Middle Road and Sylvester Street** to their premerger status.

Mr. Taintor explained that the existing lot consists of seven different lots and that five lots have been voluntarily merged by the owners, according to their letter provided. The recommendation is to restore two lots as separate from the other five that voluntarily merged.

Ms. Colbert Puff moved to restore the involuntarily merged lots, seconded by Vice Chairman Moreau. The motion passed unanimously.

B. The request of **J. Bradley and Sarah Honeyman** to release portions of two paper streets (Moffat Street and Woodworth Avenue) where they abut parcels at 26 Moffat Street (Map 243 Lot 69) and on Swett Avenue (Map 243 Lot 23).

Mr. Gamester recused from voting on the request.

Mr. Taintor explained that the property was subdivided in 1902 and the roads were never accepted. He explained the implications of releasing the portions of the streets with respect to utilities and the original intent of the road.

Vice Chairman Moreau moved to release portions of the two paper streets, seconded by Mr. Legg. The motion passed unanimously.

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VIII. OTHER BUSINESS

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IX. ADJOURNMENT

A motion to adjourn at 8:28 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 April 27, 2017 Planning Board Meeting.