

**MINUTES**

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

**CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

**7:00 P.M.**

**APRIL 27, 2017**

**MEMBERS PRESENT:** Dexter Legg, Chairman; Elizabeth Moreau, Vice Chairman; Nancy Colbert-Puff, Deputy City Manager; David Moore, Assistant City Manager; Colby Gamester; Jeffrey Kisiel; and Jane Begala, Alternate; Corey Clark, Alternate

**ALSO PRESENT:** Mr. Taintor, Planning Director, Juliet Walker, Assistant Planning Director

**MEMBERS ABSENT:** Jay Leduc, Jody Record, Rebecca Perkins, City Council Representative

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**I. APPROVAL OF MINUTES**

1. Approval of Minutes from the February 16, 2017 Planning Board Meeting.

*Ms. Colbert-Puff moved to approve the minutes from the February 16, 2017 Planning Board meeting, seconded by Vice Chairman Moreau. The motion passed unanimously.*

2. Approval of Minutes from the March 16, 2017 Planning Board Meeting.

*Ms. Colbert-Puff moved to approve the minutes from the March 16, 2017 Planning Board meeting, seconded by Mr. Gamester. The motion passed unanimously.*

**II. DETERMINATIONS OF COMPLETENESS**

**A. Subdivisions**

1. The application of Maureen J. Arsenault (Maureen J. O’Leary), Owner, for property located at 107 McKinley Road
2. The application of Bluestone Properties of Rye, LLC, and Roman and Nelson, LLC, Owners, for property located at 135 and 147 Congress Street
3. The application of Craig M. Steigerwalt and Anne C. Shiembob, and Stewgood, LLC, Owners, for property located at 276 and 268 Dennett Street

*Mr. Gamester moved to accept the above three applications as complete, seconded by Ms. Colbert-Puff. The motion passed unanimously.*

**B. Site Plan Review**

1. The application of Portsmouth Submarine Memorial Association, Owner, for property located at 600 Market Street
2. The application of Peter Fregeau and Westwind Townhomes of Portsmouth Condominium Association, Owners, for property located at 1177 and 1179 Sagamore Avenue
3. The application of Saco Professional Building, Inc., Owner, for property located at 125 Brewery Lane
4. The application of 215 Commerce Way, LLC and Moray, LLC, Owners, for property located at 215 and 235 Commerce Way

*Mr. Gamester moved to accept the above four applications as complete, seconded by Vice Chairman Moreau. The motion passed unanimously.*

**III. 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 **Maureen J. Arsenault (Maureen J. O'Leary), Owner**, for property located at **107 McKinley Road**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

- (1) Proposed lot #1 having an area of 16,955 ± s.f. (0.389 acres) and 78.19 feet of continuous street frontage on McKinley Road and 181.81' of continuous street frontage on Grant Avenue.
- (2) Proposed lot #2 having an area of 15,245 ± s.f. (0.350 acres) and 66.89 feet of continuous street frontage on McKinley Road and 171.17' of continuous street frontage on Coolidge Drive.

Said property is shown on Assessor Map 251 as Lot 67 and lies within the Single Residence B (SRB) District where the minimum lot area is 15,000 s.f. and the minimum continuous street frontage is 100'.

The Chair read the notice into the record.

**PUBLIC HEARING**

Chairman Legg 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**

*Vice Chairman Moreau moved to **grant** Preliminary and Final Subdivision Approval, seconded by Mr. Gamester, with the following stipulations:*

1. *The front, side and rear yards shown on the final plat shall be reviewed and approved by the Planning Department.*
2. *The proposed lot numbers shall be confirmed by the Assessor or changed as required.*
3. *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
4. *GIS data shall be provided to the Department of Public Works in the form as required by the City.*
5. *The final plat and all easement deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

*The motion passed unanimously.*

B. The application of **Bluestone Properties of Rye, LLC, and Roman and Nelson, LLC, Owners**, for property located at **135 and 147 Congress Street**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots as follows:

- (1) Map 126, Lot 5 increasing in area from 6,683 ± s.f. to 7,548 ± s.f. with 63.63 feet of frontage on Congress Street.
- (2) Map 126, Lot 4 decreasing in area from 7,110 ± s.f. to 6,245 ± s.f. with 112.93 feet of frontage on Maplewood Avenue and 56.38 feet of frontage on Congress Street. Said lots lie within the Character District 5 (CD5), the Historic District, and the Downtown Overlay District. CD5 has no minimum requirements for lot area or street frontage.

The Chair read the notice into the record.

### **SPEAKING TO THE APPLICATION**

Ms. Denise Poulos, representing the applicant, provided a brief explanation of the lot line revision application.

### **PUBLIC HEARING**

Chairman Legg 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**

*Vice Chairman Moreau moved to **grant** Preliminary and Final Subdivision Approval, seconded by Mr. Gamester, 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 and all easement deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

*The motion passed unanimously.*

C. The application of **Craig M. Steigerwalt and Anne C. Shiembob, and Stewgood, LLC, Owners**, for property located at **276 and 268 Dennett Street**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision) between two lots as follows:

- (1) Lot 1 (276 Dennett Street) with no change in lot area of 5,192 ± s.f. and with street frontage increasing from 50 feet to 57.57 feet.
- (2) Lot 2 (268 Dennett Street) with no change in lot area of 4,821 ± s.f. and with street frontage decreasing from 50 feet to 42.43 feet.

Said properties are shown on Assessors Map 143 as Lot 13, and were restored to their premerger status as two lots by the City Council on February 16, 2016. Said properties lie within the General Residence A (GRA) district which requires a minimum lot area of 7,500 sq. ft. and minimum continuous street frontage of 100 feet; and on March 21, 2017, the Zoning Board of Adjustment granted variances from the zoning requirements for street frontage, side yard, and building coverage.

The Chair read the notice into the record.

### **SPEAKING TO THE APPLICATION**

Mr. Alex Ross, Ross Engineering, explained the proposed lot line contours and noted there is a zero-net change in both lot areas. In response to Ms. Begala, he replied the existing easement allows for upkeep and maintenance.

### **PUBLIC HEARING**

Chairman Legg 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**

*Ms. Colbert-Puff moved to **grant** Preliminary and Final Subdivision Approval, seconded by Vice Chairman Moreau, 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 and all easement deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

*The motion passed unanimously.*

*Mr. Moore moved to **recommend** to the City Council that all requests for restoration of involuntarily merged lots under RSA 674:39-aa include a plan prepared by a registered land surveyor showing existing and proposed lot lines and all existing buildings and structures on the lot. Seconded by Vice Chairman Moreau. The motion passed unanimously.*

D. The application of **Portsmouth Submarine Memorial Association, Owner**, for property located at **600 Market Street**, requesting Site Plan Approval to construct a 20' x 40' storage

building with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 209 as Lot 87 and lies within the Single Residence B (SRB) District.

The Chair read the notice into the record.

### **SPEAKING TO THE APPLICATION**

Mr. John Chagnon, Ambit Engineering, explained the application is to construct a storage building. He noted the Technical Advisory Committee recommended approval subject to a sewer easement plan included in the plan.

### **PUBLIC HEARING**

Chairman Legg 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**

*Vice Chairman Moreau moved to **grant** Site Plan Approval, seconded by Mr. Gamester, with the following stipulations to be completed prior to the issuance of a building permit:*

1. *The Site Plan shall include the following notes*
  - “1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
  2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.”
2. *An updated sewer easement plan and deed shall be provided.*
3. *The site plan and easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

*The motion passed unanimously.*

*Vice Chairman Moreau moved to waive the requirement for additional required exhibits and data as outlined in Section 2.5.4 (3) of the Site Plan Review regulations due to the small size of the proposed project, seconded by Mr. Gamester. The motion passed unanimously.*

E. The application of **Peter Fregeau and Westwind Townhomes of Portsmouth Condominium Association, Owners**, for property located at **1177 and 1179 Sagamore Avenue**, requesting Site Plan Approval for demolition of an existing structure and the construction of three new condominium dwelling units (two separate building, seven total units) with related paving, lighting, utilities, landscaping, drainage, and associated site improvements. Said property is shown on Assessor Map 224 as Lots 12 and 13 and lies within the Mixed Residential Office (MRO) District. (The applicant has filed a notice of voluntary lot merger to combine the two lots into a single lot.)

The Chair read the notice into the record.

**SPEAKING TO THE APPLICATION**

Mr. John Chagnon, Ambit Engineering, explained that the project intends to replace an existing building with three condominium units and to merge two lots. The other lot has four existing condominium units. He described the existing conditions of the building to be demolished. Most of the utilities will be serviced from Sagamore Avenue and propane will connect between the units. The drainage analysis demonstrates no additional offsite runoff and that the catch basin would connect to City sewer.

Ms. Colbert-Puff asked for further information regarding the fence along the retaining wall and Mr. Chagnon replied with a brief explanation. Ms. Colbert-Puff expressed concerns that the area between the fence and retaining wall may be difficult to maintain and could easily accumulate litter. Vice Chairman Moreau suggested that crushed stone be added to mitigate potential vegetation in that area.

Mr. Clark asked to describe the planned procedures for bedrock removal. Further discussion was had regarding the infiltration trench area where the sewer and water lines cross.

Ms. Begala encouraged the applicant to consider more substantial landscaping to avoid a net loss of trees.

Mr. Chagnon replied to Vice Chairman Moreau that the demolition process had most likely not begun yet.

Mr. Moore asked to describe the main objective of the landscaping plan. Mr. Chagnon replied it is to place material in appropriate places.

**PUBLIC HEARING**

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

Mr. Kevin Slover, 20 Odiorne Point Rd, asked two questions regarding the demolition and proposed easement. Ms. Walker explained the procedures for grating an easement to a private property owner. Mr. Chagnon explained the utility easement was added behind the lots years ago is no longer necessary.

Seeing no one else rise; the Chair closed the public hearing.

**DISCUSSION AND DECISION**

*Vice Chairman Moreau moved to request revised plans for landscaping and demolition with respect to preserving trees and to revise the landscaping plan. Vice Chairman Moreau withdrew the motion per the Board discussion.*

*Vice Chairman Moreau moved to **postpone** Site Plan Approval to allow the applicant to provide revised Landscape and Demolition Plans, seconded by Mr. Moore.*

The Board advised the applicant to be mindful of potential bedrock removal and encouraged the applicant to improve the plans.

*The motion passed unanimously.*

F. The application of **Saco Professional Building, Inc., Owner**, for property located at **125 Brewery Lane**, requesting an extension of the Site Plan Approval to construct a 4-story, 64' x 240', 15,500 ± s.f., 48-unit residential building with related paving, lighting, utilities, landscaping, drainage, and associated site improvement. (Site plan approval was originally granted on November 17, 2005 and extensions were granted to April 30, 2017.)

The Chair read the notice into the record.

### **SPEAKING TO THE APPLICATION**

Mr. John Chagnon, Ambit Engineering, provided a brief overview of the existing conditions and the various revisions made to the plan. A public park is planned for instead of the snow storage area. The parking count decreased and amount of green space increased. The speed humps were widened, the dumpsters were removed, and the lighting plan was revised. He explained the open space calculations, building heights, and parking with respect to the new zoning district. He provided a brief background of the owner of the property.

Mr. Kisiel asked whether or not bike sharing and workforce housing will be incorporated into the plan. Mr. Eric Chinburg provided a brief response.

Vice Chairman Moreau questioned whether any stipulation could be made in the extension to request certain deliverables at the one-year mark. Ms. Walker explained to Ms. Begala the implications of not approving the extension. Ms. Begala felt that it is prudent to acknowledge the existing zoning standards because of the amount of public participation that was involved.

Mr. Chagnon reviewed the components of the proposed plan that do not meet current zoning requirements. Ms. Begala encouraged that the final design complies with the aesthetics and appeal in the intent of the zoning.

There was further discussion had regarding the location, concept, and direction of the parking area. Mr. Chagnon confirmed that the fence will be removed and the existing corner entrance will be blocked off.

Mr. Chagnon confirmed to Ms. Walker that the bike sharing area is 24' x 9'. He replied to Mr. Moore the dimensions of the two brick buildings that are proposed to remain.

There was further discussion had regarding the history of previous site plan application extensions and whether or not milestones can be incorporated into any future extension.

### **PUBLIC HEARING**

Chairman Legg 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

Ms. Colbert-Puff acknowledged the proposed community benefits the proposed development would provide. The Board discussed procedural implications and zoning requirements in granting or denying the request. Statements were made expressing concerns for the number of extensions previously granted.

*Mr. Moore moved to **deny** the request for an extension of Site Plan approval, seconded by Ms. Colbert Puff. The motion passed by a vote (5-3-0).*

G. The application of **215 Commerce Way, LLC and Moray, LLC, Owners**, for property located at **215 and 235 Commerce Way**, requesting amended Site Plan Approval to construct a 66,000 s.f., 3-story office building, with a footprint of 22,000 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated improvements. Said property is shown on Assessor Map 213 as Lot 11 and Assessor Map 216 as Lot 1-8A and 1-8B and lies within the Office Research District.

*Mr. Gamester moved to postpone Site Plan Approval to the next regularly scheduled Planning Board Meeting, seconded by Vice Chairman Moreau. The motion passed unanimously.*

## IV. PRELIMINARY CONCEPTUAL CONSULTATION

A. The request of Islington Commons, LLC, Owner, for property located at 410, 420 and 430 Islington Street for Preliminary Conceptual Consultation, to merge three lots, construct additions on two of the existing dwellings, convert a two-unit dwelling to a single-family dwelling, convert a four-unit dwelling to a three-unit dwelling, and construct 8 townhouses, resulting in a total of 13 dwelling units. Said property is shown on Assessor Map 145 as Lots 34, 35 and 36, and lies within Character District 4-Limited (CD4-L2) and the Historic District.

The Chair read the notice into the record.

Mr. Chagnon provided a brief overview of the project.

Mr. Gamester asked to describe emergency access. Mr. Chagnon noted the applicant would commit to installing a fire sprinkler system. Mr. Gamester suggested to consider whether the parking lot be reconfigured to improve emergency access.

Vice Chairman Moreau asked if there will be a net gain in housing. Mr. Rob Harrison described the intended housing changes. Ms. Balata, Islington Commons, added it is intended to become market rate condominiums.

Ms. Colbert-Puff questioned whether the site can be configured to improve emergency access and preserve green space. Mr. Hartson replied that all drainage travels towards one direction.

Mr. Gamester asked about potential snow storage locations. He suggested to consider an alternative design with respect to runoff to reduce the amount flowing into the bioretention area.

Mr. Chagnon replied to Mr. Moore the trash removal will likely use the residential curb side pickup.

*No further action was required by the Board.*

**V. ADJOURNMENT**

It was moved, seconded, and voted unanimously to adjourn the meeting at 9:45pm.

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Respectfully Submitted,

Marissa Day  
Acting Secretary for the Planning Board

These minutes were approved at the June 15, 2017 Planning Board Meeting.