

ACTION SHEET

PLANNING BOARD PORTSMOUTH, NEW HAMPSHIRE

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

JULY 20, 2017

MEMBERS PRESENT: Dexter Legg, 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; Jody Record; Jeffrey Kisiel, Jane Begala, Alternate and Corey Clark, Alternate

ALSO PRESENT: Juliet T.H. Walker, Planning Director

MEMBERS ABSENT: n/a

I. APPROVAL OF MINUTES

1. Approval of Minutes from the June 15, 2017 Planning Board Meeting – Unanimously approved.
2. Approval of Minutes from the June 22, 2017 Planning Board Work Session – Unanimously approved.

II. DETERMINATIONS OF COMPLETENESS

A. SITE REVIEW

1. The application of **Pease Development Authority, Owner, and Summit Land Development, LLC, Applicant**, for property located at **160 Corporate Drive**.

Voted to determine that the application for Site Plan approval is complete according to the Site Plan Regulations and to accept it for consideration.

2. The application of **Pease Development Authority, Owner, and 19 Rye Street, LLC, c/o Two International Group, Applicant**, for property located at **19 Rye Street**.

Voted to determine that the application for Site Plan approval is complete according to the Site Plan Regulations and to accept it for consideration.

3. The application of **Merton Alan Investments, LLC, Owner**, for property located at **30 Cate Street**.

Voted to determine that the application for Site Plan approval is complete according to the Site Plan Regulations and to accept it for consideration.

B. SUBDIVISION

1. The application of **Alexander C. Garside and Nicole Outsen, Owners**, for property located at **212 Park Street**, and the **Trudy Gould Irrevocable Living Trust, Owner, William A. Gould, Trustee**, for property located at **226 Park Street**.

Voted to determine that the application for Subdivision approval is complete according to the Subdivision Rules & Regulations and to accept it for consideration.

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III. PUBLIC HEARINGS – OLD BUSINESS

A. The application of **Ryan A. and Adrienne A. Cress, Owners**, for property located at **185 Edmond Avenue**, and **the City of Portsmouth, Owner**, for property located **off Edmond Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to excavate (8' x 55') along the south and west side of the house, remove and replace the existing headwall and failing CMP culvert and install new RCP culvert, with 750 ± s.f. of temporary impact to the wetland buffer. Said properties are shown on Assessor Map 220 as Lots 56 & 79 and lie within the Single Residence B (SRB) and Municipal (M) Districts. (This application was postponed at the June 15, 2017 Planning Board Meeting).

Voted to **grant** Conditional Use Permit approval with the following stipulations:

- 1) The existing woody vegetation along the bank of the wetland shall be set aside and replaced (with the exception of invasive species) upon completion of the project.
- 2) If the project results in unintended wetland impacts an amended conditional use and state wetland permit shall be secured.
- 3) An analysis of the culvert's capacity shall be completed.

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B. The application of **Pease Development Authority, Owner, and City of Portsmouth, Applicant**, for property located at **135 Corporate Drive**, requesting Conditional Use Permit approval, under Section 304.A.08 of the Pease Land Use Controls, for work within the inland wetland buffer to construct a 74' 8" X 30' 8" headworks building at the wastewater treatment facility, consisting of three levels (one above grade level and two below grade levels), with 23,790 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 303 as Lot 6 and lies within the Pease Airport Business Commercial (ABC) District. (This application was postponed at the June 15, 2017 Planning Board Meeting).

Voted to **recommend** Conditional Use Permit approval with the following stipulations:

- 1) The stormwater catch basins shall be maintained bi-annually,
 - 2) The site contractor shall be prepared to conduct soil remediation of contaminated soils if encountered,
 - 3) Trees being cleared for the project shall be replaced with evergreen trees to screen the site,
 - 4) The dewatering basin necessary for construction shall be located outside of the wetland buffer.
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C. The application of **Pease Development Authority, Owner, and the City of Portsmouth, Applicant**, for property located at **135 Corporate Drive**, requesting Site Plan Approval, under Chapter 400 of the Pease Land Use Controls, Site Review Regulations, to construct a 74' 8" X 30' 8" headworks building consisting of three levels (one above grade level and two below grade levels) totaling 2,290 \pm s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessors Map 303 as Lot 6, and lies within the Pease Airport, Business, Commercial (ABC) District. (This application was postponed at the June 15, 2017 Planning Board Meeting).

Voted to **recommend** Site Plan Approval as presented.

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D. The application of **Society for the Preservation of New England Antiquities of MA, Owner**, for property located at **62 & 76 Northwest Street**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer consisting of minor grading around the house, a new yard drain system, two new grass swales and a level spreader, with 3,400 \pm s.f. of impact to the wetland buffer. Said properties are shown on Assessor Map 141 as Lot 29 and Assessor Map 122 as Lot 9 and lie within the General Residence A (GRA) District and the Historic District. (This application was postponed at the June 15, 2017 Planning Board Meeting).

Voted to **grant** Conditional Use Permit approval with the following stipulation:

- 1) The maintenance plan shall include cleaning of the soil and level spreader to remove any kind of sediment that accumulates.
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E. The application of **Gary and Airial Sillanpaa, Owners**, for property located at **4 Sylvester Street**, requesting Conditional Use Permit approval to create a two-bedroom 676 \pm s.f. detached accessory dwelling unit on the second story of a garage (to be constructed), with associated paving, lighting, and utilities. Said property is shown on Assessor Map 232 as Lot 36 and lies within the Single Residence B (SRB) District. (This application was postponed at the June 15, 2017 Planning Board Meeting).

Voted to **grant** Conditional Use Permit approval with the following stipulations:

1. The applicant shall modify the architectural design of the proposed DADU according to the guidance provided by the Planning Department.
 2. The applicant shall work with the City's Legal Department to secure necessary approvals for relocation of the existing sewer easement which shall be reviewed and approved by the DPW.
 3. The existing fence along the northwest property line shall be maintained in good repair and the existing mature tree closest to the fence shall be retained and appropriate protections shall be put in place during construction of the proposed DADU to minimize damage to the tree and root systems.
 4. In accordance with Sec. 10.814.70 of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with all standards of Sec. 10.814, including the owner-occupancy requirement, and shall renew the certificate of use annually.
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F. Request of Debra Regan to transfer title to half of the “paper street” known as Oak Street that abuts 43 Mangrove Street. (City Council Referral) (This request was postponed at the June 15, 2017 Planning Board Meeting).

Voted to **recommend** that the City Council release any interest it may have in the paper street known as Oak Street.

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IV. PUBLIC HEARINGS – NEW BUSINESS

A. The application of **Thirty Maplewood, LLC, Owner**, for property located at **30 Maplewood Avenue** (46-64 Maplewood Ave), for a Conditional Use Permit under Section 10.535.12 of the Zoning Ordinance (as adopted when the project was vested through Design Review approval in December 2013) to allow an increase in building height above the maximum height specified in Section 10.531. Said property is shown on Assessor Plan 125 as Lot 2 and lies within Character District 4 (CD4) (Central Business District in December 2013), Downtown Overlay District and Historic District.

Voted to forward a summary of comments to the Historic District Commission for their consideration.

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B. The application of **Eversource Energy, Owner of a Right-of-Way**, for property located off **Ocean Road and Greenland Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland and inland wetland buffer for the reconstruction of 26 existing utility poles, with 222,124 \pm s.f. of impact to the inland wetland and 64,714 \pm s.f. of impact to the inland wetland buffer. Said properties are shown on Assessor Maps 281, 282 and 258 lie within the Municipal, Natural Resource Protection (NRP), Rural and Industrial Districts.

Voted to **grant** Conditional Use Permit approval with the following stipulations:

1. The invasive species that are removed during installation of the new poles shall be disposed of properly so as to not allow the spread of those plants.
2. The post construction monitoring report and any weekly progress reports which call out deviations from the plan due to spills or other impacts during project construction shall be provided to the Environmental Planner for distribution to the Conservation Commission.
3. Silt socks shall be used in place of silt fences.

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C. The application of **Chance B. and Edward R. Allen, Owners**, for property located at **88 Sims Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer for the construction of a 208 s.f. addition to a single family residence, with 300 \pm s.f. of impact to the inland wetland buffer. Said property is shown on Assessor Map 232, as Lot 131 and lies within the Single Residence B (SRB) District.

Voted to **grant** Conditional Use Permit approval with the following stipulations:

1. The applicant shall install a drip edge at the outer edge of the new addition to prevent erosion and allow infiltration of stormwater.
 2. The applicant shall install additional native plantings in the previously disturbed area inside the fence at the rear of the property.
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D. The application of **Pease Development Authority, Owner, and Summit Land Development, LLC, Applicant**, for property located at **160 Corporate Drive**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer for the construction of a two story manufacturing and office building with a footprint of 85,500 s.f. and 190 parking spaces, with $178 \pm$ s.f. of impact to the inland wetland buffer. Said property is shown on Assessor Map 313, as Lot 2 and lies within the Pease Airport, Business, Commercial (ABS) District.

Voted to **recommend** Conditional Use Permit approval with the following stipulations:

1. That the invasive species that are removed during project construction be disposed of properly so as to not allow the spread of those plants.
 2. That the applicant maintain the buffer enhancement area located on their property so that it remains free of invasive species.
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E. The application of **Pease Development Authority, Owner, and Summit Land Development, LLC, Applicant**, for property located at **160 Corporate Drive**, requesting Site Plan Approval to construct a two-story manufacturing and office building with a footprint of 85,500 s.f., including 190 parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessors Map 313 as Lot 2, and lies within the Pease Airport, Business, Commercial (ABC) District.

Voted to **recommend** Site Plan approval as presented.

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F. The application of **Steven H. Lee, Owner**, for property located at **174 Dodge Avenue**, requesting Conditional Use Permit approval to create a two-story $1,000 \pm$ s.f. garden cottage in an existing building, with associated paving, lighting, and utilities. Said property is shown on Assessor Map 258 as Lot 43 and lies within the Single Residence B (SRB) District.

Voted to **postpone** this application to the next regularly scheduled Planning Board meeting on August 17, 2017.

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G. The application of **Alexander C. Garside and Nicole Outsen, Owners**, for property located at **212 Park Street**, and the **Trudy Gould Irrevocable Living Trust, Owner, William A. Gould, Trustee**, for property located at **226 Park Street**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision) between two lots as follows:

- (1) Map 149, Lot 50 decreasing in area from $13,218 \pm$ s.f. (0.3034 acres) to $8,736 \pm$ s.f. (0.2005 acres) with 47.69' of continuous street frontage on Park Street.
- (2) Map 149, Lot 51 increasing in area from $7,597 \pm$ s.f. (0.1744 acres) to $12,079 \pm$ s.f. (0.2773 acres) with 50' of continuous street frontage on Park Street.

Said lots lie within the Municipal (M) district and Character District 5 (CD5) which have no minimum requirements for lot area or street frontage.

- A. Voted to determine that the application for subdivision approval is complete according to the Subdivision Rules and Regulations and to accept it for consideration.
- B. Voted to **grant** Preliminary and Final Subdivision Approval with the following stipulations:
1. Lot numbers as determined by the Assessor shall be added to the final plat.
 2. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
 3. GIS data shall be provided to the Department of Public Works in the form as required by the City.
 4. 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.
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H. The application of **Paul M. and Laura L. Mannle, Owners**, for property located at **1490 Islington Street**, requesting Conditional Use Permit approval to create a one-bedroom 727 \pm s.f. attached accessory dwelling unit on the first floor of an existing single family residence, with associated paving, lighting, and utilities. Said property is shown on Assessor Map 233 as Lot 108 and lies within the Single Residence B (SRB) District.

1. Voted to find that the application satisfies the requirements of 10.814.60.
 2. Voted to **grant** the conditional use permit as presented, with the following stipulation:
 1. In accordance with Sec. 10.814.70 of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with all standards of Sec. 10.814, including the owner-occupancy requirement, and shall renew the certificate of use annually.
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I. The application of **Christopher L. and Anna D. Shultz, Owners**, for property located at **140 Orchard Street**, requesting Conditional Use Permit approval to create a 2-story, one-bedroom, 584 \pm s.f. garden cottage in an existing building, with associated paving, lighting, and utilities. Said property is shown on Assessor Map 149 as Lot 38 and lies within the General Residence A (GRA) District.

1. Voted to find that the application satisfies the requirements of 10.815.40.
 2. Voted to **grant** the conditional use permit as presented including the requested modifications to the parking and gross floor area requirements, with the following stipulations:
 1. The garden cottage shall have no more than one bedroom.
 2. In accordance with Sec. 10.815.50 of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with all standards of Sec. 10.815, including the owner-occupancy requirement, and shall renew the certificate of use annually.
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J. The application of **Pease Development Authority, Owner, and 19 Rye Street, LLC, c/o Two International Group, Applicant**, for property located at **19 Rye Street**, requesting Site Plan Approval to construct a two-story office building with a footprint of 14,859 s.f., including 146 parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessors Map 305 as Lot 4, and lies within the Pease Airport, Business, Commercial (ABC) District

Voted to **recommend** Site Plan approval.

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K. The application of **Merton Alan Investments, LLC, Owner**, for property located at **30 Cate Street**, requesting Amended Site Plan Approval to remove the 10 foot wide walkthroughs in the center of the two 8-unit buildings and move the units together; to provide a 20 foot wide separation between the 6-unit building to create two 3-unit buildings; and the revision of grading and utilities to accommodate the new building locations. Said property is shown on Assessors Map 165 as Lot 1 and lie within Character District 4-W (CD-4W).

Voted to **postpone** this application to the next regularly scheduled Planning Board meeting on August 17, 2017.

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V. CITY COUNCIL REFERRALS/REQUESTS

A. Request for a traffic signal and sidewalk easement from Richard Fusegni relative to property located at 1575 Woodbury Avenue.

Voted to **recommend** that the City Council accept a traffic signal and sidewalk easement from Richard Fusegni relative to property located at 1575 Woodbury Ave.

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VI. OTHER BUSINESS

A. Appointment of Jody Record as a Planning Board Representative to the Rockingham Planning Commission.

1. Voted to nominate Jody Record to the City Council for appointment to the Rockingham Planning Commission.
 2. Voted to nominate Peter Britz to the City Council for appointment as an alternate.
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VI. ADJOURNMENT

It was moved, seconded, and passed unanimously to adjourn the meeting at 9:45 p.m.

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Respectfully Submitted,

Jane M. Shouse
Administrative Assistant