

ACTION SHEET

PLANNING BOARD PORTSMOUTH, NEW HAMPSHIRE

CONFERENCE ROOM A CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 PM

OCTOBER 19, 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; Jeffrey Kisiel; and Corey Clark, Alternate

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

MEMBERS ABSENT: Jody Record and Jane Begala, Alternate

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I. APPROVAL OF MINUTES

- A. Approval of Minutes from the September 12, 2017 Planning Board Meeting – Unanimously approved.
 - B. Approval of Minutes from the September 21, 2017 Planning Board Meeting – Unanimously approved.
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II. 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

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

- 2. The application of **Borthwick Forest, LLC, and KS Borthwick, LLC, Owners**, and **Borthwick Forest, LLC, Applicant**, for property located **on proposed subdivision road to be created off Borthwick Avenue**, requesting Amended Site Plan Approval.

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

3. The application of **Deer Street Associates, Owner**, for property located at **181 Hill Street**, (“Lot 6”), requesting Site Plan Approval

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

4. The application of **Provident Bank, Owner**, for property located at **25 Maplewood Avenue**, requesting Site Plan Approval

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

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B. SUBDIVISION

1. The application of **Westwind Townhomes of Portsmouth Condominium Association, Owner**, for property located at **1177 Sagamore Avenue**, and **Kevin P. Slover, Owner**, for property located at **20 Odiorne Point Road**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision)

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

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III. 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 application of **Goodman Family Real Estate Trust, Owner, and Aroma Joe’s Coffee, Applicant**, for property located at **1850 Woodbury Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 785 ± s.f. restaurant/take-out building and 195 ± s.f. attached patio, with drive thru service and a walk –up window, with 6,870 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 239 as Lot 9 and lies within the General Business (BD) District. (This application was postponed at the September 21, 2017 Planning Board Meeting).

Voted to **postpone** to the November 16, 2017 Planning Board Meeting.

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B. 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, 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. (This application was postponed at the September 21, 2017 Planning Board Meeting).

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

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C. The application of **Cristin Pugliese, Owner**, for property located at **5 Buckminster Way**, requesting Conditional Use Permit approval to create a two-story, two-bedroom 1,083 \pm s.f. attached accessory dwelling unit in an existing building, with associated paving, lighting, and utilities. Said property is shown on Assessor Map 282 as Lot 6-23 and lies within the Single Residence A (SRA) District.

1. Voted to find that the application satisfies the requirements of 10.814.60.
 2. Voted to **grant** the conditional use permit, with the following stipulations:
 - a) The ADU shall be restricted to the first floor of the addition only, at the current floor area.
 - b) The owner shall provide documentation from the NH Department of Environmental Services that the property has adequate septic capacity for the additional bedrooms.
 - c) 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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D. The application of **Paul and Janice Lanzoni, Owners**, for property located at **411 South Street**, requesting Conditional Use Permit approval to create a 1-story, one-bedroom attached accessory dwelling unit on the second floor of a two-car garage, with gross floor area of 588 \pm s.f., with associated paving, lighting, and utilities. Said property is shown on Assessor Map 112 as Lot 55 and lies within the General Residence A (GRA) District. (This application was postponed at the September 21, 2017 Planning Board Meeting).

Voted to **deny** the conditional use permit as presented.

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E. The application of **James A. Mulvey Revocable Living Trust, Robert J. Bossie Revocable Trust and Peter Brown Living Trust, Owners**, for property located at **150 Spaulding Turnpike**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to remove two buildings, remove pavement and replace with pervious and impervious pavement, for a truck sales outlet with vehicle storage, with $2,570 \pm$ s.f. of permanent impact to the wetland buffer. Said properties are shown on Assessor Map 236 as Lots 34, 35 & 36 and lie within the General Business (GB) District. (This application was postponed at the September 21, 2017 Planning Board Meeting).

Voted to **postpone** to the November 16, 2017 Planning Board Meeting.

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F. The application of **Borthwick Forest, LLC, and KS Borthwick, LLC, Owners**, and **Borthwick Forest, LLC, Applicant**, for property located **on proposed subdivision road to be created off Borthwick Avenue**, requesting Amended Site Plan Approval to increase the height of the proposed office building (footprint of $16,700 \pm$ s.f.) from 3 stories to 4 stories (gross floor area of $66,800 \pm$ s.f.), with related paving, lighting, utilities, landscaping, drainage, multi-use path and associated site improvements. (Original Site Review approval was granted by the Planning Board on May 18, 2017). Said properties are shown on Assessor Map 241 as Lots 25 & 26 and Assessor Map 233 as Lots 112, 113, & 114 and lie within the Office Research (OR) and the Single Residence B (SRB) Districts. (This application was postponed at the September 21, 2017 Planning Board Meeting).

Voted to **postpone** to the November 16, 2017 Planning Board Meeting.

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IV. 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. Request of **John S. Byron** for the restoration of involuntarily merged lots for property located at **346 Bartlett Street**.

Voted to recommend to the City Council to restore the involuntarily merged lots at 346 Bartlett Street to their premerger status.

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B. The application of **Christopher and Rachel Delisle, Owners**, for property located at **250 McKinley Road**, requesting Amended Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to replace an existing single-lane driveway with a double-lane driveway with stormwater mitigation which includes a rain garden at the foot of the driveway and gravel edging, with $300 \pm$ s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 250 as Lot 117 and lies within the Single Residence B (SRB) District.

Voted to **grant** Amended Conditional Use Permit approval.

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C. The application of **Robert and Pamela Smith, Owners**, for property located at **240 McKinley Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to expand an existing driveway and install a rain garden for stormwater mitigation, with $77 \pm$ s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 250 as Lot 118 and lies within the Single Residence B (SRB) District.

Voted to **grant** Conditional Use Permit approval.

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D. The application of **Charles J. and Kimberle S. McCue, Owners**, for property located at **105 Middle Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a freestanding 375 s.f. ground level deck with stormwater mitigation which includes a 6' x 8' flower bed, gravel at the foot of the driveway and crushed stone under the deck, with $395 \pm$ s.f. of impact to the wetland buffer. Said property is show

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

1. The plans shall include crushed stone under the deck to provide optimal infiltration.
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E. The application of **The City of Portsmouth, Owner, Little Harbor School, Applicant**, for property located at **50 Clough Drive**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct an outdoor classroom using native plants, shrubs, trees, peastone bedding and stone blocks for seating and to create a buffer to screen the school dumpsters, with $1,262 \pm$ s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 206 as Lot 20 and lies within the Municipal (M) District.

Voted to **grant** Conditional Use Permit approval.

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F. The application of **Westwind Townhomes of Portsmouth Condominium Association, Owner**, for property located at **1177 Sagamore Avenue**, and **Kevin P. Slover, Owner**, for property located at **20 Odiorne Point Road**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision) between two lots as follows:

- (1) Map 224, Lot 10-1 decreasing in area from $125,606 \pm$ s.f. (2.93 acres) to $122,206 \pm$ s.f. (2.81 acres) with 273.67' of continuous street frontage on Odiorne Point Road.
- (2) Map 224, Lot 13 increasing in area from $52,678 \pm$ s.f. (1.2093 acres) to $56,168 \pm$ s.f. (1.2894 acres) with 223.74' of continuous street frontage on Sagamore Avenue.

Said lots lie within the Mixed Residential Office (MRO) District where the minimum lot area is 7,500 s.f. and the minimum continuous street frontage is 100'.

Voted to **grant** Preliminary and Final Subdivision Approval with the following stipulations:

1. Any resulting modifications to the approved site plan will require a separate Amended Site Plan Approval.
2. Vegetated screening as reviewed and approved by the Planning Department shall be added to the Amended Site Plan to be applied for separately extending along the entire length of the lot line that parallels Odiorne Point Road.
3. Applicants shall provide a 10' sidewalk easement extending parallel to Sagamore Avenue from the existing 10' sidewalk easement on Map 224 Lot 13 to Odiorne Point Road.
4. Lot numbers as determined by the Assessor shall be added to the final plat.
5. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
6. GIS data shall be provided to the Department of Public Works in the form as required by the City.
7. 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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G. The application of **Deer Street Associates, Owner**, for property located at **181 Hill Street**, ("Lot 6"), requesting Site Plan Approval for the construction of a 4-story mixed use building with a penthouse (including interior parking garages on two levels, retail space on the ground floor, office space on the first floor and 43 residential units on the second, third, fourth and penthouse floors) with a footprint of 12,574 ± s.f. and gross floor area of 81,498 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 138 as Lot 62 and lies within the CD5 District.

Voted to **postpone** to the next regularly scheduled Planning Board meeting.

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H. The application of **Provident Bank, Owner**, for property located at **25 Maplewood Avenue**, requesting Site Plan Approval for a proposed 3 1/2-story mixed use building with a footprint of 9,355 ± s.f. and gross floor area of 36,597 ± s.f., including retail and parking on the first level, office use on the second level and residential on the third and attic level, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 126 as Lot 2 and lies within the Character District 5 (CD5), the Downtown Overlay District (DOD) and the Historic District.

Voted to **grant** Site Plan Approval with the following stipulations:

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

- 1) Details of temporary and permanent (if applicable) groundwater dewatering design shall be submitted to DPW for final approval.
- 2) Any required stormwater connections to the City's drainage system shall require a stormwater connection permit. A capacity surcharge fee may apply based on further investigation by the applicant in consultation with the DPW.
- 3) All easement plans, licenses, and deeds in which the City is an interested party shall be reviewed and finalized by Planning and Legal Department and are subject to final vote by City Council.
- 4) The site plan, landscape plan, and any easement plans or deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
- 5) The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.
- 6) Proposed street trees shall be modified to match the caliper of the street trees at Portwalk Place as close as possible.
- 7) Applicant shall add perforated perimeter drains to facilitate stormwater infiltration if approved by DPW.

Conditions Subsequent (to be completed prior to the issuance of a Certificate of Occupancy):

- 1) Applicant shall coordinate with DPW on final traffic signal and pedestrian control locations and designs and related electrical conduit layout.
- 2) Subject to final approval by DPW, the applicant shall either replace the light in front of 172 Hanover St or keep it functional by replacing the electrical run.

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V. OTHER BUSINESS

A. Request for Preliminary Conceptual Consultation regarding property located at 2075 Lafayette Road.

Presentation by Attorney F.X. Bruton and Eric Weinrieb, of Altus Engineering.

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VI. ADJOURNMENT

It was moved, seconded, and passed unanimously to adjourn the meeting at 11:30 p.m.

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Respectfully Submitted,

Jane M. Shouse
Administrative Assistant