

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDARO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 PM

DECEMBER 21, 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; Corey Clark, Alternate; and Jane Begala, Alternate

ALSO PRESENT: Juliet T. H. Walker, Planning Director; Jillian Harris, Planner I

MEMBERS ABSENT: n/a

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the November 16, 2017 Planning Board Meeting – Unanimously approved.

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II. DETERMINATIONS OF COMPLETENESS

A. SITE REVIEW:

1. 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**.

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 **Bluestone Properties of Rye, LLC, Owner**, for property located at **135 Congress Street**.

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 **Roman Catholic Bishop of Manchester, Owner, and Stonegate NH Construction, LLC, Applicant**, for property located at **2075 Lafayette Road**.

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

B. SUBDIVISION:

- 1. The application of **Society for the Preservation of New England Antiquities, Inc., Owner**, for property located at **364 Middle Street**, and the **C. Sue Mautz 2008 Trust, Owner, C. Sue Mautz, Trustee**, for property located at **338 Middle Street**.

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

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 November 16, 2017 Planning Board Meeting).

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on January 18, 2018.

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B. 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 ± 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 November 16, 2017 Planning Board Meeting).

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

- 1. A note shall be added to the Site Plan (Sheet 4) that the area planted with conservation seed mix at the rear of the site be mowed only once annually.
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C. 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 ± s.f.) from 3 stories to 4 stories (gross floor area of 66,800 ± 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 November 16, 2017 Planning Board Meeting).

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on January 18, 2018.

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D. 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 eliminate gutters and one catch basin, relocate a manhole and eliminate the pervious paver parking area, with a 396 ± s.f. reduction of permanent impact and 35 ± 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 on September 17, 2015 and Amended Conditional Use Permit approval was granted on January 19, 2017 by the Planning Board.) (This application was postponed at the November 16, 2017 Planning Board Meeting).

Voted to grant Amended Conditional Use Permit approval.

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E. The application of **Carolyn McCombe, Trustee; Elizabeth Barker Berdge, Trustee; and Tim Barker, Owners**, for property located on **Martine Cottage Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 1,936 ± s.f. single family home and a 1,200 ± s.f. detached barn, with a 22' x 52' paved parking area and a 25' x 5' rain garden, with 23,125 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 202 as Lot 14 and lies within the Rural (R) District. (This application was postponed at the November 16, 2017 Planning Board Meeting).

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on January 18, 2018.

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IV. PUBLIC HEARINGS – NEW BUSINESS

A. The application of **Society for the Preservation of New England Antiquities, Inc., Owner**, for property located at **364 Middle Street**, and the **C. Sue Mautz 2008 Trust, Owner, C. Sue Mautz, Trustee**, for property located at **338 Middle Street**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision) between two lots as follows:

- (1) Map 136, Lot 22 decreasing in area from 81,454 ± s.f. (1.87 acres) to 80,717 ± s.f. (1.8530 acres) with 211.91’ of continuous street frontage on Middle Street.
- (2) Map 136, Lot 23 increasing in area from 5,958 ± s.f. (0.1368 acres) to 6,695 ± s.f. (0.1537 acres) with 66.9’ of continuous street frontage on Middle Street.

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’, and the Historic District.

Voted 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 concurrently with the deeds at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

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B. The application of **National Propane LP, Owner and Unutil Corporation, Applicant**, for property located at **1166 Greenland Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland for the installation of above ground piping to facilitate cleaning and inspection operations on the existing underground gas main, with 7,070 ± s.f. of impact to the wetland. Said property is shown on Assessor Map 280 as Lot 2 and lies within the Industrial (I) District.

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on January 18, 2018.

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C. The application of **Chase B. Bailey and Kathryn E. Soave-Bailey, Owners**, for property located on **3 Curriers Cove**, requesting Amended Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer to install a generator, trench lines from a buried propane tank to the generator and a revised pool/cabana layout, with 180 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 204 as Lot 12 and lies within the Single Residence A (SRA) District.

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

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D. 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, garden cottage in an existing building, with a footprint of 584 ± s.f. and gross floor area of 1,068 ±, 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.

A. Voted to find that the application satisfies the requirements of 10.815.40.

B. Voted to grant the conditional use permit as presented including the requested modifications to the parking and total gross floor area requirements, with the following stipulation:

1. The garden cottage shall have no more than one bedroom and the floor plan shall be modified to eliminate the second floor office space and remove the interior walls separating the office space from the 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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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 Site Plan Approval to create a truck sales outlet with vehicle display, vehicle storage, including 9,780 ± s.f. of pervious bituminous concrete pavement, with related paving, lighting, utilities, landscaping, drainage, and associated site improvements. Said property is shown on Assessors Map 236 as Lots 34, 35 & 36 and lie within the General Business (GB) District.

Voted to **grant** Site Plan approval with the following stipulation:

1. The Site Plan (Sheet 4) shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

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F. The application of **Bluestone Properties of Rye, LLC, Owner**, for property located at **135 Congress Street**, requesting Site Plan Approval to construct an addition to the rear of the existing building, with a footprint of 1,424 ± s.f. and gross floor area of 2,943 ± s.f., for restaurant expansion and function space, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 126 as Lot 5 and lies within the Character District 5 (CD5), the Downtown Overlay District (DOD) and the Historic District.

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on January 18, 2018.
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G. The application of **Roman Catholic Bishop of Manchester, Owner**, and **Stonegate NH Construction, LLC, Applicant**, for property located at **2075 Lafayette Road**, requesting Site Plan Approval for the construction of two 3-story, 24-unit residential buildings, both with a footprint of 14,640 ± s.f. and gross floor area of 58,495 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 268 as Lot 97 and lies within the Single Residence B (SRB) District.

A. Voted to grant a Conditional Use Permit pursuant to Section 10.1112.52 of the Portsmouth Zoning Ordinance to permit a maximum of 96 parking spaces.

B. Voted to **grant** Site Plan approval with the following stipulation:

- 1) An easement shall be provided to the City allowing for future relocation of the multi-use path to the applicant’s property outside of the NHDOT easement area should that be needed.
- 2) A water main access easement shall be provided to the City complying with the requirements of the DPW and Legal departments.
- 3) The site plan, easements and easement plans, shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

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V. 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. Request from Neil Robinson for a quit claim deed to release the City’s interest in the paper street portions of Moffat Street adjoining property located at 170 Swett Avenue.

Voted to recommend that the City Council deny the request for a quit claim deed to release the City’s interest in the paper street that abuts property located at 170 Swett Ave.

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II. ADJOURNMENT

It was moved, seconded, and passed unanimously to adjourn the meeting a 8:33 p.m.

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Respectfully Submitted,

Jane M. Shouse,
Acting Secretary for the Planning Board