

MINUTES

PLANNING BOARD PORTSMOUTH, NEW HAMPSHIRE

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

7:00 PM

MARCH 22, 2018

MEMBERS PRESENT: Elizabeth Moreau, Vice Chairman; Nancy Colbert-Puff, Deputy City Manager; David Moore, Assistant City Manager; Colby Gamester; Jay Leduc; Jeffrey Kisiel;

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

MEMBERS ABSENT: Dexter Legg, Chairman; Jody Record; Corey Clark, Alternate; and Jane Begala, Alternate; Rebecca Perkins, City Council Representative

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the February 15, 2018 Planning Board Meeting;

Mr. Gamester moved to approve the Minutes from the February 15, 2018 Planning Board Meeting, seconded by Assistant City Manager Moore. The motion passed unanimously.

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II. DETERMINATION OF COMPLETENESS

A. SUBDIVISION:

1. The application of **Seacoast Development Group, LLC, Owner**, for property located along **Rockingham Avenue**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into three lots.

Mr. Gamester moved to **postpone** the application to the April 19, 2018 Planning Board Meeting, seconded by Deputy City Manager Colbert-Puff. The motion passed unanimously.

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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 **Middle Hill Development, LLC, Owner**, for property located at **150 Route 1 By-Pass**, requesting Conditional Use Permit approval pursuant to Section 10.1112.52 of the Zoning Ordinance to allow 6 additional parking spaces for a total of 61 parking spaces where (the maximum allowed) 55 parking spaces were approved by the Planning Board on November 17, 2016 for a multi family 3-story building with a footprint of 17,667 \pm s.f. and gross floor area of 53,000 \pm s.f. Said property is shown on Assessor Map 231 as Lot 58 and lies within the Single Residence B (SRB) District.

Acting Chair Moreau read the notice into the record.

SPEAKING TO THE APPLICATION

Eric Katz, Manager of Middle Hill Development LLC, spoke to the application. This is the former Seacoast Sports building. This project was approved on December 21, 2018 with 55 parking spaces. There was going to be 44 underground spaces with 11 exterior spaces. They are asking for an amendment based upon demographic data. The residents would be mostly empty nesters and more households would have two cars than they originally anticipated. The data is trending 75% with two cars and 25% with one car. The proposal is to remove the island to put parking there. They have reached out to abutters and no one had an issue with it.

PUBLIC HEARING

Barbara McMillan from 84 Hillside Drive spoke to the application. She was not a direct abutter but could see the development from her property. She had not had a chance to look at the plans, but wanted to check on the impervious area of the lot and see if it was increasing.

Vice Chairman Moreau noted that the change was taking out an island and putting the parking in there. The lot would not be expanded. Mr. Leduc clarified that it would involve getting rid of landscaping. Vice Chairman Moreau agreed that it would be 780 square feet.

Vice Chairman Moreau asked if anyone else was present from the public wishing to speak to, for, or against the application. Seeing no one rise; the Vice Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Assistant City Manager Moore moved to **grant** a conditional use permit pursuant to Section 10.1112.52 of the Portsmouth Zoning Ordinance to permit 61 parking spaces where 55 are permitted, seconded Mr. Gamester with the following stipulation:

1. The new parking lot lights shall be dark sky friendly.

The motion passed unanimously.

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B. The application of **77 Daniel Street, LLC, Owner**, for property located at **77 Daniel Street**, requesting Conditional Use Permit approval pursuant to Section 10.1112.52 of the Zoning Ordinance to allow a third floor addition to the rear of the building where no off-street parking currently exists and no additional off-street parking is proposed. Said property is shown on Assessor Map 107 as Lot 10 and lies within the Character District 4 (CD4) and the Historic District.

Acting Chair Moreau read the notice into the record.

SPEAKING TO THE APPLICATION

John Chagnon from Ambit Engineering spoke to the application. This was a request for a waiver to the parking standards for 77 Daniel Street. The owners are rehabbing the building and putting in a third floor, which would require three more parking spaces. Overall the addition would reduce square footage in the building. The addition is in the back of the building, and includes a stairway and utility corrections. Mr. Chagnon was present asking for parking relief from the Board.

Vice Chairman Moreau requested clarification on how there would be a decrease in square footage with an addition. Mr. Chagnon responded that the building is a multi-floored space, and they are adding a mezzanine. It wasn't there before so the square footage goes down.

PUBLIC HEARING

Vice Chairman Moreau asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise; the Vice Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Deputy City Manager Colbert Puff moved to **grant** a conditional use permit pursuant to Section 10.1112.52 of the Portsmouth Zoning Ordinance to allow less than the minimum number of parking spaces required by Section 10.1112.30, seconded by Mr. Gamester.

The motion passed unanimously.

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C. The application of **Martin F. Kurowski and Christina Galli, Owners**, for property located at **212 Walker Bungalow Road**, requesting Amended Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland and tidal wetland buffer for the demolition and replacement of a portion of an existing building where the original application (approved by the Planning Board on January 18, 2018) had stated that the original house would remain, with 10,767 \pm s.f. (3,172 s.f. of existing impact and 7,594 s.f. of new impact) of impacts to the inland and tidal wetland buffers. Prior approval from the Planning Board on January 18, 2018 includes an addition onto the existing residential structure, a new septic tank, replacement of the existing detached garage with a new attached garage, reconfiguration of the existing driveway, a rain garden and vegetated treatment swale for stormwater management. Said property is shown on Assessor Map 223 as Lot 21 and lies within the Single Residence B (SRB) District.

Acting Chair Moreau read the notice into the record.

SPEAKING TO THE APPLICATION

Steve Riker from Ambit Engineering represented the owners and spoke to the application. This was originally presented to the Conservation Commission on January 10, 2018 and it received their recommendation. Planning Board approved the application on January 18, 2018. Following that approval the contractor advised the owners to tear down a portion of the house and rebuild it on the foundation. Mr. Riker showed an exhibit showing the new plan. The purple area showed the existing building and the green area showed the portion that would be demolished and rebuilt on the same footprint. The house was built in 1920 and construction wasn't the same then, so that is where the recommendation is coming from. There are no other changes from the project. Everything else remains the same.

Vice Chairman Moreau noted that a large portion of this house was now going away. 75% of the house would be demolished. The Planning Board approval was based on runoff from that house. Is the roofline different? Mr. Riker responded that there should not be any different drainage patterns. They have proposed drip edges around the building and the runoff will go to the rain garden. Vice Chairman Moreau asked if the roofline was the same and Mr. Riker confirmed that it was.

PUBLIC HEARING

Vice Chair Moreau asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise; the Vice Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Ms. Walker pointed the Board to some comments in the staff memo related to the concern expressed by the Conservation Commission members. They had concern about the fact that it's a major change to the house and wanted to make sure the footprint would be identical. There was also concern about tree impacts. It would be helpful for the Planning Department if there were some wording in the motion to indicate what the threshold was.

Vice Chairman Moreau noted that they could put in that the structure size and the roofline are the same. Ms. Walker responded that it did. Anything to make it clearer would be helpful.

Mr. Kisiel questioned if some of the foundation was damaged during the demolition process would the applicants have to come back? Ms. Walker responded that from their interpretation if they have to remove any foundation then it would null this.

Deputy City Manager Colbert-Puff moved to **grant** an amended conditional use permit approval, seconded by Mr. Gamester with the original January 18, 2018 stipulations:

- 1) An organic lawn maintenance plan shall be incorporated into the overall property maintenance plan and this plan shall be filed with the Rockingham County Registry of Deeds by the City or as deemed appropriate by the Planning Department.
- 2) Any alteration to the house design that results in a modification to the approved site drainage shall require a new permit from the Planning Board.

Vice Chair Moreau asked if Deputy City Manager Colbert Puff wanted to add that the structure size, shape and roofline should stay the same. Deputy City Manager Colbert Puff agreed, however, the roofline did not need to be the same. The drainage should be the same. Vice Chair Moreau clarified that the house should be constructed so that the drainage doesn't change.

Assistant City Manager Moore noted that the application coming back in front of the Board was appropriate. They were not just acting on the work of the Planning Board and Staff but also the Conservation Commission. They work hard to carry out their duties to make a recommendation to the Board.

The motion passed unanimously.

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D. The application of the **Woodlands Homeowner's Association, Owner, and the City of Portsmouth, Applicant**, for property located on **Hoover Drive**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer for drainage improvements along Hoover Drive, Taft Road, Grant Avenue and FW Hartford Drive, including the replacement of a headwall to accommodate a second 24" culvert, with 300 ± s.f. of impact to the wetland and 600 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 269 as Lot 7 and lies within the Single Residence B (SRB) District.

Acting Chair Moreau read the notice into the record.

Mr. Gamester moved to **postpone** to the April 19, 2018 Planning Board Meeting, seconded by Deputy City Manager Colbert-Puff. The motion passed unanimously.

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E. The application of **175 Gosport Road, LLC, Owner, and Michael Clark, Applicant,** for property located at **175 Gosport Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal and inland wetland buffer to demolish an existing pool house and pool area and construct a new pool house, pool, garage, dock and driveway expansion, with 11,075 \pm s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 224 as Lot 1 and lies within the Single Residence A (SRA) District.

Acting Chair Moreau read the notice into the record.

Deputy City Manager Colbert-Puff moved to **postpone** to the April 19, 2018 Planning Board Meeting, seconded by Mr. Gamester. The motion passed unanimously.

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F. The application of **Goodman Family Real Estate Trust, Owner, and Aroma Joe's Coffee, Applicant,** for property located at **1850 Woodbury Avenue**, requesting Site Plan Review for a 785 \pm s.f. restaurant/take-out building and 195 \pm s.f. attached patio, with drive thru service and a walk-up window, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 239 as Lot 9 and lies within the General Business (GB) District.

Acting Chair Moreau read the notice into the record.

Mr. Gamester moved to **postpone** to the April 19, 2018 Planning Board Meeting, seconded by Deputy City Manager Colbert-Puff. The motion passed unanimously.

Mr. Gamester questioned what was going on with this application. Ms. Walker responded that they are actively working on this. The applicants had initially applied for a CUP, but they needed a variance and are still working with the DPW. It was advertised, so it stayed on the agenda.

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G. The application of **Seacoast Development Group, LLC, Owner,** for property located along **Rockingham Avenue**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into three lots as follows:

1. Proposed lot #1 having an area of 38,466 \pm s.f. (0.883 acres) and 119.76' of continuous street frontage on Rockingham Avenue.
2. Proposed lot #2 having an area of 15,874 \pm s.f. (0.364 acres) and 128.56' of continuous street frontage on Rockingham Avenue.
3. Proposed lot #3 having an area of 19,044 \pm s.f. (0.437 acres) and 305.34' of continuous street frontage on Rockingham Avenue.

Said property is shown on Assessors Map 235 as Lot 2 and is located in the Single Residence B (SRB) District where the minimum lot area is 15,000 s.f. and minimum continuous street frontage is 100'.

Acting Chair Moreau read the notice into the record.

Mr. Gamester moved to **postpone** to the April 19, 2018 Planning Board Meeting, seconded by Deputy City Manager Colbert Puff. The motion passed unanimously.

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V. ADJOURNMENT

Deputy City Manager Colbert Puff moved to adjourn the meeting at 7:25 p.m., seconded by Mr. Gamester. The motion passed unanimously.

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Respectfully Submitted,

Becky Frey,
Acting Secretary for the Planning Board

These minutes were approved at the April 19, 2018 Planning Board Meeting.