

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

**April 19, 2018
to be reconvened on
April 26, 2018**

MEMBERS PRESENT: Dexter Legg, Chairman; Rebecca Perkins, City Council Representative; David Moore, Assistant City Manager; Colby Gamester; Jay Leduc; Jody Record; Jeffrey Kisiel; Jane Begala, Alternate; and Corey Clark, Alternate; and

ALSO PRESENT: Jillian Harris, Planner I

MEMBERS ABSENT: Elizabeth Moreau, Vice Chairman; Nancy Colbert-Puff, Deputy City Manager

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I. APPROVAL OF MINUTES

- A. Approval of Minutes from the March 15, 2018 Planning Board Meeting;
- B. Approval of Minutes from the March 22, 2018 Planning Board Meeting.

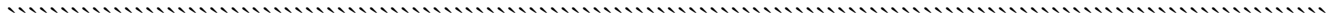
Mr. Gamester moved to approve the Minutes from both the March 15, 2018 and March 22, 2018 Planning Board Meetings, seconded by Ms. Record. The motion passed unanimously.

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II. DETERMINATIONS 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 determine that the application is complete according to the Subdivision Regulations and to accept the application for consideration, seconded by Mr. Leduc. The motion passed unanimously.



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 Gateway Corridor (G1) District. (This application was postponed at the March 15, 2018 Planning Board Meeting).

Chairman Legg read the notice into the record.

Ms. Record moved to consider items Old Business Item A and Old Business Item F together and vote on them separately, seconded by Mr. Gamester. The motion passed unanimously.

SPEAKING TO THE APPLICATION

Corey Belden from Altus Engineering spoke to the application. Eric Weinrieb from Altus Engineering and Marty Goodman, property owner, were also present. The project was started in March 2017. At that point the project went to the Zoning Board for variance approvals. Eight variances have been granted for the project. The application has been through the site plan review and the TAC process. Some issues were worked through during the technical review. One key issue was fire access. The proposed facility shares a site with an existing mattress store. After meeting with the Fire Department, one of the requirements discussed was to put a new sprinkler system into the mattress building. The agreement is that after 2 years from the project approval the owner will install the sprinkler system. Mr. Belden noted that they were asking for a waiver for two driveways. The existing site has two driveways with an entrance and exit at both. The proposed plan would have two driveway access points, but one would be an entrance only and the other would be an exit only. That’s why a waiver was needed. A traffic study measured the traffic flows in and out of the site. The recommendation from that study was that a single exit would work for the project. The study also recommended a left and right lane at the exit. TAC requested that the applicants stick with a single exit lane. Sheet C3 showed the proposed grading and drainage plan. Mr. Belden worked with the Conservation Commission and DPW to address concerns. The primary concern from the Conservation Commission was to minimize the impact in the southwest corner where the outfall to the wetland area is located. The rain garden was pushed further to the north, and they worked with DPW to provide a curb to prevent sheet flow into the rain garden. The curb will direct the sediment to the catch basins on the side. The existing site is a sea of pavement that sheet flows into the wetland without treatment. With

this plan, pre treatment and treatment will be added to all of the paved parking areas. The only thing that won't be picked up for treatment is runoff from the existing building. Mr. Belden worked with DPW to coordinate the connection to the sewer line that runs through the site. It's a very deep line, so how to make that connection needed to be worked through. One of the conditions that came out of that is to try to flatten that line out a little to get it under 10%. They will do that. The City water main runs along the property and they will be granting an easement on the property to the City for that water line. They had agreed to the condition, but hadn't reflected it on the plan. Mr. Belden handed out the plan that showed the anticipated water line. The Planning Department suggested that this be a condition of the building permit. This would be done during construction, so it may make more sense to make it a condition of the certificate of occupancy (CO) rather than the building permit. This would give time to verify the exact location of the line. All of the sidewalk along Woodbury Avenue in front of the project will be replaced. The last item to discuss was the second waiver for the dumpster location within 10 feet of the property line. The dumpster is 10 feet from the property line. It is encroaching 10 feet on the opposite side of the fence. Mr. Belden did not feel that it was a burden to the adjacent property. The plan includes significant landscaping throughout the site. A solid wall/fence is proposed along the west portion of the property to buffer car lights going into residential housing. The buffer will be increased with additional plantings.

Mr. Clark noted that on the landscape plan they were proposing to use a low phosphate slow release fertilizer in the lower rain garden. Would that fertilizer also be used across the site? Mr. Belden responded that it would be for the entire site. Mr. Clark commented that the ordinance was for only what is in the buffer, but the note in the plan specified that corner. Mr. Clark wanted to clarify what would be used in the other rain garden out of the buffer. Chances are the landscaper would use the same for both. Sheet D1 showed a standard fertilizer note as far as seeding goes. This should be revised to address the low phosphate fertilizer. Mr. Belden confirmed that would be revised.

Ms. Begala requested clarification about what existing impervious areas were being decreased. Mr. Belden showed the wetland buffer line and where some of the pavement would be decreased. Ms. Begala clarified that the heat island effect is heat from the pavement. Mr. Belden confirmed that was correct.

Ms. Begala commented that according to the Master Plan the goal is to have the gateway areas move parking back from the street. These 21 parking spaces are not in keeping with the vision of the Master Plan. Are they for the neighboring business? Mr. Belden replied that the 21 spaces included parking for the mattress store as well. There would be 14 spaces for the mattress store and 7 for Aroma Joe's.

Ms. Begala questioned if there was any way to beautify the area along Woodbury Ave. according to the vision of the Master Plan. Also, how would bikes get to the property? It is not a complete street there. Mr. Belden responded that there is an existing 5-foot sidewalk along Woodbury Ave. that will be repaved and replaced as needed. They have added a significant amount of landscaping and trees to create a buffer and better visual look. Ms. Begala questioned how would someone get there by bike? Mr. Belden responded that they would use the sidewalk or shoulder. It was a requirement to put a bike rack on the site.

Ms. Begala commented that cars come out of the mini mall with the D'Angelo's and try to turn left and right across all of the lanes to go towards BJ's. This would be an additional entrance and exit. Mr. Belden responded that the entrance and exit exist already. Today there are two entrances and exits on

site. This project would consolidate that to one entrance and one exit. The Gosling Road intersection creates gaps in the traffic to help make left hand turns possible.

Mr. Leduc questioned if the cut through was created to pull in the property and get to the mattress store. It seemed odd to be creating an intersection at the drive-through and access to the mattress store. Mr. Belden responded that the cut through was added to create direct access to the mattress store in the front of the site. Otherwise cars would have to loop around the drive-through. Mr. Weinrieb added that this was a requirement from the Fire Department that came out in the TAC review process. The Fire Department did not want to go around, so they worked with Eric Eby and the Fire Department to create a cut through. Mr. Leduc clarified that the traffic model did not show a fire truck going through that cut through. Mr. Weinrieb responded that it showed that it fit both ways. Mr. Belden added that the model was created to show that the fire truck could fit around if needed. The Fire Department did not like that route. If a sprinkler system was installed, then they felt that a ladder truck would not be needed for the site. Therefore, they could gain access at the cut through.

Assistant City Manager Moore requested clarification about the easement in terms of the timing. Mr. Belden responded that the Planning Department recommendation was to have the easement be completed before a building permit was issued. The exact location of the water line is not verified. Therefore, Mr. Belden thought that it would best to verify the location in the field and get it done prior to the CO. It would be fine to complete this either way, but it would be easier to clearly identify during construction.

Ms. Record questioned when the sprinkler system would be installed? Mr. Belden responded that it would be installed two years after approval. Ms. Record clarified that in the meantime the fire truck could fit around the building. Mr. Belden confirmed that it could.

Ms. Begala questioned if there was a traffic survey completed for the site. Mr. Beldin responded that they worked with Mr. Eby to look at the traffic flows for entering and exiting the site. Mr. Eby made a recommendation primarily for the exit of the site. It's a morning peak time rather than an evening peak. The study looked at all the traffic on Woodbury Avenue and took into account Gosling Road.

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 OF THE BOARD

Assistant City Manager Moore moved to **grant** a Conditional Use Permit, seconded by Mr. Gamester. The motion passed unanimously.

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B. The application of **Thirty Maplewood, LLC, Owner**, for property located at **46-64 Maplewood Avenue** (previously 30 Maplewood Avenue), requesting Site Plan Approval for a proposed 5-story mixed-use building with a footprint of 17,410 ± s.f. and gross floor area of 53,245 ± s.f., including 22 dwelling units and 13,745 ± s.f. of retail use, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 125

as Lot 2A and lies within Character District 4 (CD4), the Downtown Overlay District (DOD) and the Historic District. (This application was postponed at the March 15, 2018 Planning Board Meeting).

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

John Chagnon from Ambit Engineering spoke to the application. The applicants thought they would be in a position to discuss this project however Mr. Chagnon respectfully requested to postpone the application to the May Planning Board Meeting.

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 OF THE BOARD

City Council Representative Perkins moved to postpone the application to the May 17, 2018 Planning Board Meeting, seconded by Mr. Gamester. The motion passed unanimously.

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C. The application of **Islington Commons, LLC, Owner, for** property located at **410, 420, and 430 Islington Street**, requesting Site Plan Review to remodel three existing buildings into 4 units (Building #1 with 1,315 ± s.f. footprint and 1,906± s.f. gross floor area, Building #2 with 999± s.f. footprint and 1,894± s.f. gross floor area, Building #3 with 1,964 ± s.f. footprint and 5,429 ± s.f. gross floor area); and construct 3 duplex buildings and a single dwelling unit for 11 proposed units (Building #4 with 1,799± s.f. footprint and 4,375± s.f. gross floor area, Building #5 with 1,280 ± s.f. footprint and 2,752 ± s.f. gross floor area, Building #6 with 1,997 ± s.f. footprint and 5,054 ± s.f. gross floor area, Building #7 with 2,014 ± s.f. footprint and 4,725± s.f. gross floor area), with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 145 as Lots 34, 35 and 36 and lie within the Character District 4-Limited2 (CD4-L2) and the Historic District. (This application was postponed at the March 15, 2018 Planning Board Meeting).

Chairman Legg read the notice into the record.

Mr. Gamester moved to postpone this application to the April 26, 2018 Planning Board Meeting, seconded by City Council Representative Perkins. 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. (This application was postponed at the March 22, 2018 Planning Board Meeting).

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Dave Desfosses from the Department of Public Works spoke to the application. Mr. Desfosses pointed out the area of wetland impact with the proposed new pipe. This area is the entrance to the Woodland’s subdivision. The curve typically floods every other year. Water from Route 1 sheets across the St. James lot and comes out through a wetland. There used to be a perennial stream at Elwyn Park. It is now subterranean and outlets there. A swale was dredged out and that is what is there today. It is undersized. They have hired Altus Engineering to work on this project with the DPW. The design of this project would double the capacity of the culvert. This goal of the project is to try to alleviate flooding. It has no new impervious areas and it is just a drainage project.

Mr. Clark commented that he did not notice anything about rip rap. Mr. Desfosses responded that the dredged out swale has a punchbowl at the end. It’s about 16-18 inches deep and goes 10 feet out from the pipe.

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 OF THE BOARD

Assistant City Manager Moore moved to **grant** the conditional use permit approval, seconded by Mr. Gamester. 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 ± 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. (This application was postponed at the March 22, 2018 Planning Board Meeting).

Chairman Legg read the notice into the record.

Mr. Gamester moved to postpone the application to the May 17, 2018 Planning Board Meeting, seconded by City Council Representative Perkins. 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 ± s.f. restaurant/take-out building and 195 ± 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 Gateway Corridor (G1) District. (This application was postponed at the March 22, 2018 Planning Board Meeting).

DISCUSSION AND DECISION OF THE BOARD

Assistant City Manager Moore moved to find that granting of waivers will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Site Plan Review Regulations, and to waive the following regulations

- 1) Section 3.3.2(3) – Driveways shall be limited to one per lot.
- 2) Section 9.3(5) – Dumpsters shall be 20 feet from the property line.

Seconded by Mr. Gamester. The motion passed unanimously

Assistant City Manager Moore moved to **grant** Site Plan Review approval, seconded by Mr. Gamester.

Mr. Clark requested that the motion maker add a stipulation to revise the fertilizer note on sheet D1 to match what is shown on sheet L1 regarding low phosphate. Assistant City Manager Moore agreed to amend the motion, seconded by Mr. Gamester.

Mr. Gamester requested that Ms. Harris comment on the water line. Ms. Harris responded that the location does need to be verified, but for the easement plan it should be recorded in the site plan. Mr. Weinrieb responded that they were fine either way. If it's done at this time, then the language needs to say, "follow the location of the pipe wherever it may be."

The motion passed unanimously with the following stipulations:

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

1. Engineer to adjust/reduce slope of proposed sewer lateral pipe to the City's sewer main, final design shall be reviewed and approved by DPW.
The owner shall provide an easement to the City of Portsmouth for the City's existing water main across the property. The Easement shall be 20 feet wide and centered on the existing pipe. The easement plan and deed shall be reviewed and approved by the Planning and Legal Departments and accepted by the City Council prior to recording.
2. Revise the fertilizer note on Sheet D-1 to be consistent with the fertilizer note on Sheet L-1, restricting the use of fertilizer to only low phosphate and slow release nitrogen in both stormwater ponds #1 and #2 and throughout the site within the wetland buffer.
3. The Site Plan (Sheet C-2) and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

Conditions Subsequent (to be completed prior to the issuance of a certificate of occupancy):

1. Coordinate the installation of the sewer lateral with the City’s sewer department.

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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 ± 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 ± 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 ± 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’. (This application was postponed at the March 22, 2018 Planning Board Meeting).

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Corey Colwell from MSC Civil Engineers and Attorney Tim Phoenix were present to speak to the application. The applicant owns 6.9 acres. To the east of the property is Woodbury Avenue and the Spaulding Turnpike is to the west. The property is primarily wooded with an old concrete foundation on the site. The City bike path is on the backside. The high point of the property is 48 and the low point, by the Spaulding, is 28. There is a 20-foot drop from the high point to the low point. There is a 20-foot wide sewer easement for the City.

The packets show the subdivision proposal. They include the existing conditions with the wetlands, utilities, and vegetation. Sheet 2 shows how the lots would be divided. Lot 1 would contain 119 feet of frontage on Rockingham Ave. It is 38,466 square feet. It is the lower lot with the concrete foundation. Lot 2 contains 128.6 feet of frontage. It is 15,874 square feet. Lot 3 would be much skinnier. The lot contains 305.5 feet of frontage and it is 19,044 square feet. Sheet S2 will be recorded with the Rockingham County Registry of Deeds. A drainage and restoration easement will go to the City for most of Lot 1. The purpose of the easement is to let the City construct future drainage improvements. These improvements would further reduce and treat storm water runoff. Sheet S3 shows the sidewalk and utility plan. A new 5-foot sidewalk is proposed on the north side of Rockingham Ave. That sidewalk is on the opposite side of the road from the property. This was done purposely because more homes are on that side. There is more pedestrian traffic there. That sidewalk ends at Woodbury Avenue and there is an existing crosswalk there. DPW and TAC thought that was a safer location. The drawing shows possible home and garage locations, utility connections and driveway location. These are all shown to demonstrate the lots are sized adequately. They are not the actual plans. Sheet S4 shows the storm water management plan. There are several drainage improvements. A 4-foot wide swale on the east side of the property will run behind the homes to collect storm water from the bike path and Rockingham Avenue. It currently goes to the mid point of the lot. After the improvements it will run behind the homes. It will provide additional treatment to the runoff before it enters the wetlands. There will be a rain garden for each lot. Each rain garden has an emergency overflow that will direct to the swale. Sheet 5 shows the contractor construction

process. This application went to TAC on February 27, 2018. The Conservation Commission voted to recommend approval with eight stipulations. The plan tonight addresses all of the eight stipulations. This proposal received a variance to allow lot 3 to have a lot depth of 68 feet where 100 feet is required.

Mr. Clark commented that it was a great use of the site and had a question about the rain gardens. Are the locations for those set in stone? Mr. Colwell responded that they were shown in the best location for the lot.

Ms. Begala noted that TAC recommended sound deafening materials be used during construction of the units. Ms. Begala saw a note in the plan that said that update had been completed but could not find the update. Mr. Colwell responded that it was Note 8 on sheet S3. Future homes would be constructed with sound deafening materials to prevent highway noise. Ms. Begala questioned if Mr. Colwell knew what those materials were and how the City would verify they have been used. Mr. Colwell responded that he did not know what the materials were. These plans would be part of the building permit. It would be enforced through the Building Department. Ms. Begala questioned if the properties would be relatively high or low priced properties. Chairman Legg noted that was outside the scope of the Planning Board.

Mr. Phoenix commented that this project received a variance in 2016. They would be entry-level homes for Portsmouth. It is all relative because of location. Ms. Begala commented that she wanted to know because Portsmouth is calling for more affordable housing.

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 OF THE BOARD

Mr. Gamester moved to determine that the application is complete according to the Subdivision Review Regulations and to accept the application for consideration, seconded by Mr. Leduc. The motion passed unanimously.

Mr. Gamester moved to **grant** Preliminary and Final Subdivision approval, seconded by Mr. Leduc 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. The drainage easement shall be reviewed and approved by Planning, DPW, and Legal Departments and accepted by City Council.
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 and plans shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
6. All utility trenches on Rockingham Avenue shall be guaranteed against settling for a period of 2 years from the date of the final utility trench.

The motion passed unanimously.

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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. The application of **Eric and Jean Spear, Owners, and Megan Tehan and Brendan Cooney, Applicants**, for property located at **49-57 Mt. Vernon Street**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

1. Proposed lot A having an area of 8,949 ± s.f. and 93’ of continuous street frontage on Mt. Vernon Street.
2. Proposed lot B having an area of 3,647 ± s.f. and 45.5’ of continuous street frontage on Mt. Vernon Street.

Said property is shown on Assessors Map 111 as Lot 31 and is located in the General Residence B (GRB) District where the minimum lot area is 5,000 s.f. and minimum continuous street frontage is 80’.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Brendan Cooney, resident at 57 Mt. Vernon Street and Eric Spear, property owner, were present to speak to the application. Mr. Cooney has been a resident of this address for 15 years. Two years ago Mr. Spear agreed to sell the property to Mr. Cooney to make it his permanent residence. The house resides on the same lot as Mr. Spear’s house, so the goal is to subdivide the lot and purchase the home. The proposed property line establishes a 10-foot setback from the existing house. There were a few variances needed in terms of the lot area and street frontage. One variance was for the left side yard, which is 2.2 feet. The requirement is 10 feet. The other variance was for the rear lot, which is 15.8 feet. The requirement is 25 feet. The variances were granted on February 27, 2018. TAC recommended approval at the April 3, 2018 meeting.

PUBLIC HEARING

Cyrus Beer of 64 Mt. Vernon Street lives directly across the street. In his mind it’s essentially already been divided. Mr. Beer was in support of the application.

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 OF THE BOARD

Mr. Gamester moved to **grant** Preliminary and Final Subdivision approval, seconded by Mr. Leduc 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 shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

The motion passed unanimously.

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V. PRELIMINARY CONCEPTUAL CONSULTATION REVIEW

A. The application of **R.K. Portsmouth, LLC, Owner**, for property located at **100 Arthur F. Brady Drive**, requesting Preliminary Conceptual Consultation review to subdivide one lot into two lots, with one existing building on each lot.

Attorney Victor Manougian with McLane Middleton and Paul Liversidge from Hayner/Swanson were present to speak to the application. This was a preliminary conceptual consultation for property identified as Map 238 Lot 20. The client is looking to split the lot into two lots. It is currently 23.29 acres. There will not be any changes to the site. The corners of the property have been set. The applicants had met with City Staff before the filing and have addressed the initial questions and concerns on sheet 2. Notes 7, 8 and 9 deal with parking, building coverage, and open space. The notes are to ensure they comply before and after the division. Mr. Liversidge noted that the new lot would change from 69 spaces to 73 spaces. After completing the calculations it was determined that more was needed.

Chairman Legg requested clarification on the lot line. Mr. Liversidge responded that it followed the edge of the driveway. Chairman Legg confirmed that he understood. Mr. Manougian added that there would be no ownership change. This is simply just separating the lot.

Assistant City Manager Moore questioned the current status of the roadway that connected Arthur Brady to the other commercial properties and Home Depot. Mr. Liversidge responded that it was a private driveway that is subject to cross easements. It is a common access between the properties, but it is not a public street.

Assistant City Manager Moore requested clarification on the proposed subdivision lines. Mr. Liversidge responded that the existing line came across the driveway and encompassed both sites. The new line would divide the property along the edge of the driveway. The new line comes back relatively perpendicular to Arthur Brady Drive and then sweeps in around the roadway. The intent was to follow the present lease line of Home Depot.

Chairman Legg questioned if some of the lot was considered wetland. Mr. Haynor confirmed that it was.

Mr. Clark questioned if Home Depot would need back access and if it would be a problem with the property line change. Mr. Manougian responded that the access wouldn't change. It could be

stipulated on the plans that if the ownership were divided then easements would be needed. Because the ownership is not changing it's a non-issue. This is being done strictly as a book keeping division for taxes.

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VI. OTHER BUSINESS

- A. Request of J&M Family Properties, LLC, for property located at 802 Lafayette Road, for a one year extension of Site Plan Approval which was granted by the Planning Board on April 20, 2017.

Mr. Gamester moved to determine that no change has taken place that would materially affect the current site plan approval and approved a 1-year extension of the Site Plan Approval to expire on April 20, 2019, seconded by City Council Representative Perkins. The motion passed unanimously.

- B. Rockingham County Planning Commission – Planning Board Representative.

Chairman Legg noted that they were looking for a volunteer to be the Planning Board Representative for Rockingham. Ms. Record had previously served. If anyone was interested, then they should contact Ms. Walker.

Ms. Begala questioned if there was anything that described what it entailed. Chairman Legg responded that Ms. Walker could provide details.

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V. ADJOURNMENT

It was moved, seconded, and passed unanimously to adjourn the meeting at 8:11 p.m.

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Respectfully Submitted,

Becky Frey,
Acting Secretary for the Planning Board

These minutes were approved at the May 17, 2018 Planning Board Meeting.