

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

JULY 19, 2018

MEMBERS PRESENT: Dexter Legg, Chairman; Elizabeth Moreau, Vice Chairman; Nancy Colbert-Puff, Deputy City Manager; David Moore, Assistant City Manager; Rebecca Perkins, City Council Representative; Colby Gamester; Jeffrey Kisiel; Jane Begala, Alternate; and Corey Clark, Alternate

ALSO PRESENT: Juliet Walker, Planner Director

MEMBERS ABSENT: Jody Record; Jay Leduc

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I. APPROVAL OF MINUTES

A. Approval of Minutes from the June 21, 2018 Planning Board Meeting – Unanimously approved.
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II. DETERMINATIONS OF COMPLETENESS

A. Subdivision

1. The application of **Westwind Townhomes of Portsmouth, Owner**, for property located at **1177 Sagamore Avenue**.
 - A. Voted to determine that the application is complete according to the Subdivision Review Regulations and to accept the application for consideration.
2. The application of **Portsmouth Housing Authority, Owner**, for property located at **140 Court Street**, and **Ed Pac, LLC, Owner**, for property located at **152 Court Street**.
 - B. Voted to determine that the application is complete according to the Subdivision Review Regulations and to accept the application for consideration.

3. The application of **Bruce Osborn, Barry Osborn and C. Kevin Osborn, Owners**, for property located at **187 Woodbury Avenue** and **Frank Cavalieri, et al, Owners**, for property located at **179 Woodbury Avenue**.

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

B. Site Plan Review

1. The application of **Barbara R. Frankel, Owner**, and **Greengard Residences, Applicant**, for property located at **89 Brewery Lane**.

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

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 **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 1,840 \pm s.f. single family home with associated garage, septic system and driveway, with 14,022 \pm 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 June 21, 2018 Planning Board Meeting.)

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on August 16, 2018.

B. The application of **Jon and Joan Dickinson, Owners**, for property located at **220 Walker Bungalow Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer to demolish the existing home and detached garage, construct a new 1,968 \pm s.f. single family residence with attached 756 \pm s.f. garage, a new septic system and the relocation of the driveway, with 8,990 \pm s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 223 as Lot 21 and lies within the Single Residence B (SRB) District. (This application was postponed at the June 21, 2018 Planning Board Meeting.)

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on August 16, 2018.

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C. The application of **Robert and Whitney Westhelle, Owners**, for property located at **198 Essex Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a wood 12' X 18' garden shed, on cement blocks, with 216 \pm s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 232 as Lot 128 and lies within the Single Residence B (SRB) District. (This application was postponed at the June 21, 2018 Planning Board Meeting.)

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on August 16, 2018.

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D. The application of **Pease Development Authority, Owner, and Lonza Biologics, Inc., Applicant**, for property located at **70 and 80 Corporate Drive**, requesting Conditional Use Permit approval, under Chapter 300 of the Pease Land Use Controls, Part 304-A Pease Wetlands Protection, for work within the inland wetland buffer for the construction of three proposed industrial buildings: Proposed Building #1 with a 132,000 \pm s.f. footprint; Proposed Building #2: 150,000 \pm s.f. footprint; Proposed Building #3 with a 62,000 \pm s.f. footprint; and two 4-story parking garages, with 55,555 \pm s.f. of impact to the wetland, 66,852 \pm s.f. of impact to the wetland buffer and a 1,000 \pm l.f. stream restoration for Hodgson Brook resulting in 42,500 s.f. of wetland creation. Said property is shown on Assessor Map 305 as Lots 1 & 2 and lies within the Pease Airport Business Commercial (ABC) district. (This application was postponed at the June 21, 2018 Planning Board Meeting.)

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on August 16, 2018.

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E. The application of **Westwind Townhomes of Portsmouth, Owner**, for property located at **1177 Sagamore Avenue**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

1. Proposed lot #1 having an area of 33,378 s.f. (0.7663 acres) and 121.75' of continuous street frontage on Sagamore Avenue; and
2. Proposed lot #2 having an area of 22,628 s.f. (0.5194 acres) and 102' of continuous street frontage on Sagamore Avenue;

Said property is shown on Assessors Map 224 as Lot 13 and is located in the Mixed Residential Office (MRO) district where the minimum lot area is 7,500 s.f. and minimum continuous street frontage is 100'.

- A. Voted to determine that the application is complete according to the Subdivision Review Regulations and to accept the application for consideration.
- B. Voted to grant Preliminary & Final Subdivision Approval with the following stipulations:
 1. Applicant shall modify existing manhole and pipe inlet as required by DPW.
 2. Applicant shall work with the City's Legal and Planning Departments to enter into a binding agreement to ensure no sewer connection or Certificate of Occupancy shall be issued until after the lots have been re-merged.

3. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
4. GIS data shall be provided to the Department of Public Works in the form as required by the City.
5. The final plat shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

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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 **Portsmouth Housing Authority, Owner**, for property located at **140 Court Street**, requesting Conditional Use Permit approval pursuant to Section 10.1112.52 of the Zoning Ordinance to allow a 64 residential units with 60 parking spaces, where 135 parking spaces are required. Said property is shown on Assessor Map 116 as Lot 38 and lies within the Character District 4 (CD4) and the Historic District.

Voted to **grant** a conditional use permit pursuant to Section 10.1112.52 of the Portsmouth Zoning Ordinance to permit 60 parking spaces where 135 parking spaces are required (7-1 vote; Perkins recused), with the following stipulation:

1. The applicant shall submit an annual performance report on the effectiveness of the proposed measures to off-set parking demand (including whether the measures have been implemented and overall usage) to the Planning Department beginning six months from initial occupancy and at one year intervals thereafter for a period of five years. If the measures have not been implemented or the usage of the measures is not meeting performance targets, the property owner will propose additional parking off-set actions to be approved by the Planning Board.

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B. The application of **Portsmouth Housing Authority, Owner**, for property located at **140 Court Street**, and **Ed Pac, LLC, Owner**, for property located at **152 Court Street**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision) as follows:

1. Proposed Lot 38 as shown on Assessor Map 116 increasing in size from 59,976 s.f. to 62,500 s.f.; and
2. Proposed Lot 37 as shown on Assessor Map 116 decreasing in size from 4,587 s.f. to 2,113 s.f.

Said properties are shown on Assessors Map 116 as Lots 37 & 38 and are located within the Character District 4 (CD4) and the Historic District, where there is no minimum lot area and no minimum continuous street frontage.

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

B. Voted to **grant** Preliminary & 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 at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

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C. The application of **Mark J. and Marla P. Baldassare, Owner**, for property located at **191 Sagamore Avenue**, requesting Conditional Use Permit approval pursuant to Section 10.815 of the Zoning Ordinance to create a one bedroom Garden Cottage in an existing building, with a gross floor area of 384 s.f. Said property is shown on Assessor Map 221 as Lot 21 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, with the following stipulations:

1. 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. Prior to receiving the initial certificate of use, the applicant shall be required to obtain any permits required by the Inspections Department.
2. The conditional use permit approval shall expire unless the initial certificate of use is obtained within a period of one year from the date granted. The Board may, for good cause shown, extend such period by as much as one year if such extension is requested and acted upon prior to the expiration date. No other extensions may be requested.

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D. The application of **Ivana and Mattias Verflova, Owners**, for property located at **639 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 442 \pm s.f. wooden deck, with 1' of gravel skirting around the perimeter, with 442 \pm s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 232 as Lot 122 and lies within the Single Residence B (SRB) District.

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

1. Applicant to install crushed stone under the new deck.

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E. The application of **Bruce Osborn, Barry Osborn and C. Kevin Osborn, Owners**, for property located at **187 Woodbury Avenue** and **Frank Cavalieri, et al, Owners**, for property located at **179 Woodbury Avenue**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision) between two lots as follows:

1. Map162, Lot 56 increasing in area from 11,246 \pm s.f. to 11,366 \pm s.f. with 113' \pm of continuous street frontage along Woodbury Avenue; and
2. Map 162, Lot 57 decreasing in area from 5,587 \pm s.f. to 5,467 \pm s.f. with 56" \pm of continuous street frontage along Woodbury Avenue.

Said lots lie within the General Residence A (GRA) District which requires a minimum lot area of 7,500 s.f. and minimum continuous street frontage of 100'.

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

B. Voted to **grant** Preliminary & Final Subdivision Approval with the following stipulations:

1. Applicant must apply for and receive required variance(s) for Lot 162-57 from the Zoning Board of Adjustment.
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 concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

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F. The application of **Barbara R. Frankel, Owner**, and **Greengard Residences, Applicant**, for property located at **89 Brewery Lane**, requesting Site Plan approval to construction of a 2-story assisted living home, with a footprint of 3,146 s.f. and gross floor area of 9,438 s.f. , with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 146 as Lot 263 and lies within the within the Character District-4 L2 (CD4-L2) District.

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

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

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

1. A note shall be added to the site plan that the drainage system design shall be reviewed and approved by DPW at the time of excavation.
2. The pipe trench detail shall be reviewed and approved by DPW.
3. The Site Plans and any easement deeds and plans shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

Conditions Subsequent:

1. The provision of an easement or ROW to the City for the portion of the road and/or future sidewalk on the parcel to connect to the public portion of Albany Street shall be reviewed and approved by the Planning and Legal Department and approved by City Council.

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V. CITY COUNCIL REFERRALS**A. Osprey Landing Water Tank Property**

Voted to recommend that the City Council release this land to the Spinnaker Point Condominium Association.

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VI. OTHER BUSINESS**A. Review of Workforce Housing Covenant prepared by Attorney Peter Loughlin, as a condition of Site Review Approval granted on March 16, 2017, for property located at 3510 Lafayette Road.**

Voted to recommend that the City Council authorize the City Manager to negotiate and enter into the covenant as presented.

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B. Proposed Zoning Amendments – Discussion and Scheduling.

1. Proposed Amendments to Sections 10.814 & 10.815 – Accessory Dwelling Units & Garden Cottages; and related amendments to Article 15 – Definitions;
2. Proposed Amendments to Article 12 – Signs;
3. Proposed New Sections 10.613.60 & 10.670; and Amendments to Article 15 – Highway Noise Overlay Ordinance;
4. Proposed New Section 10.240 – Conditional Use Permits.

It was agreed that public hearings will be held at future Planning Board meetings.

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VII. ADJOURNMENT

It was moved, seconded, and passed unanimously to adjourn the meeting at 9:48 p.m.

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Respectfully Submitted,

Jane M. Shouse,
Acting Secretary for the Planning Board