

**MINUTES**

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

**7:00 PM**

**DECEMBER 20, 2018**

**MEMBERS PRESENT:** Dexter Legg, Chairman; Elizabeth Moreau, Vice-Chairman; Rebecca Perkins, City Council Representative; Colby Gamester; Jay Leduc; Jody Record; Jeffrey Kisiel; John P. Bohenko, City Manager; Ray Pezzullo, Assistant City Engineer; and Corey Clark, Alternate

**ALSO PRESENT:** Juliet Walker, Planner Director

**MEMBERS ABSENT:** Jane Begala, Alternate

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**I. CAPITAL IMPROVEMENT PLAN**

**A. Presentation and adoption of FY 2020–2025 Capital Improvement Plan.**

Deputy City Manager Colbert Puff introduced the presentation. Tonight the Department Heads are presenting the City’s proposed FY20-25 CIP Plan. The process started this summer for the Department Heads, Schools and Pease. The public also submitted requests. In September there was a presentation and in November there was a public input meeting. A few years ago there was an overhaul to the process. It now includes a priority level and checklist list of the citizen requests. There is a list of all the studies that were used in evaluating a project and maps of the city wards. These improvements to the process have increased public understanding and input. The CIP Planning Advisory Committee included Chairman Legg Vice Chairman Moreau and Jeffrey Kisiel. They met with the department heads to review the requests. The goal of the Board is to develop a CIP that uses a stable amount of city revenue. The increase needs to be reasonable from year to year. The CIP Advisory Committee feels that this gradual increase is appropriate. This funding is recommended to ensure the City can maintain its infrastructure and

quality of life. The bonded projects require a separate vote. Each department head will present their proposed projects, and then the Planning Board can vote to move forward to City Council.

Fire Chief Steve Achilles noted that the first request was a continuation of the ambulance replacement program. The 2013 ambulance is scheduled for replacement in FY20. A Ladder 2 Truck is scheduled for replacement in FY23. The 2006 Fire Engine 4 is scheduled for replacement in FY24. A large apparatus fire tower truck from 2007 is scheduled for replacement in FY24. The personal protective equipment replacement program is in its third year. The equipment needs to be replaced every 10 years. A new project in FY20 involves the replacement of rescue tools like the Jaws of Life. Replacing the generator at Central Station is high priority. The current one is old and underpowered. A fire and rescue training facility is planned for FY22 and FY23. The scope of the project includes identifying a training facility on the Public Works property for future consideration. It is becoming difficult to find facilities or training structures.

Police Chief Robert Merner identified a new police facility under the land acquisition sections. The current Police Department Facility no longer meets the needs of the Police Department. This request would be funds for new a facility if there is no site available that the City already owns.

Steve Bartlett spoke for the School Department and outlined the request for the rehabilitation for existing facilities. They are starting the second phase of the Elementary schools upgrades. The major updates have been completed for Dondero and Little Harbor. Now the focus will shift to focus on Franklin. They will clean up anything else that is needed.

Abby Mills spoke for the Finance Department. The records storage facility is looking for \$50,000 to continue the expansion of the facility. There are more documents that need storage. There is a project request to fund the preservation of documents. The City has over 1,600 records that are damaged with mold that need to be preserved by law. The documents will be sent away to be cleaned and bound. It will cost 1.5 million in total, but now they are asking for \$100,000 in 2020.

Ms. Walker noted that there was a land acquisition request for ongoing funding for land purchase for municipal purposes.

Director of Public Works Peter Rice summarized his project requests. One was for improvements to the existing outdoor recreation fields. Another was for a consolidated indoor recreation facility in 2022. There is a funding request for the second phase of the outdoor recreation fields expansion behind the Department of Public Works. This project is currently under design. There is a project request to loam and seed the practice fields on Greenland Rd. There is a request to fund the continuation of the Pierce Island Master Plan. It is an ongoing program. There is a request to fund the citywide playground improvements. The City has 23 playgrounds/parks. Half of them have structures. Money is set aside to maintain facilities. There is funding requested for citywide parks improvements.

Ms. Walker noted that funding was being requested for the Vaughn Worth Bridge strategic development to implement the strategic vision.

Deputy City Manager Colbert Puff noted that funding was being requested to implement the Prescott Park Master Plan. The Capital Improvement Plan requires several phases of funding.

Mr. Rice noted that funding was being requested to expand the emergency response shelters in the City.

Deputy City Manager Colbert Puff noted that funding was being requested for the McIntyre Federal Office building site redevelopment.

Mr. Rice noted that the Department of Public Works has a citywide tree replacement program. The ongoing program has been successful. The recycling and solid waste program is in flux due to changing markets. It has been pushed out a year to get better data. There is funding requested to make upgrades to the transfer facilities. Funding has been requested to upgrade and create a new recycling station. There is funding requested to upgrade the bleachers and grandstands in the City. There is funding requested to perform improvements to the historic cemeteries. DPW has a program to upgrade and repair retaining walls. There are over 30 in the City. Money has been set aside for sound barriers along I-95. The City adopted an ordinance that will allow access for federal funding. There is a request for citywide facility improvements. There is a request for citywide storm drain improvements. The funding is split between this and the general fund. Funding has been requested for upgrades to the Hanover Parking Facility. There is a funding request for a level 3 charging station in a downtown location for FY2022.

Vice Chairman Moreau questioned if all of the equipment will sustain the amount of development that the Planning Board has approved in the recent years. It is helpful for the public to know that the City has accounted for growth. Chief Achilles confirmed that was correct. Appropriate resources are requested for all three stations to the meet demand for the increase in calls and development. Chief Achilles appreciated the support of the Planning Board Advisory Committee. The plan is based on the best practices.

City Council Representative Perkins questioned if the recycling center design work request was to deal with how to handle the recycling or to bring it in house. Mr. Rice responded that it provides flexibility to bring it in house, but the main driver is safety. It's not a safe configuration for moving people in and out. A transfer station would provide the ability to consolidate loads and give the City options on where to send the material. It is \$82 a ton to dispose of recycling and \$63 a ton to dispose of waste. They are hoping to make efficiencies to manage the market better.

Mr. Leduc noted that there was funding allocating for more space to archive records for legal requirements. Mr. Leduc questioned how much was moving to an electronic format. City Manager Bohenko responded that certain state statuettes require a hard copy of the document, but the City is moving what they can to an electronic format. In a lot of instances legislation has not caught up to technology. Ms. Mills added that all records are going to PDF, so there will be a record there. Some have to remain in paper format as well. City Manager Bohenko noted that the City has some documents from the 1600s and 1700s. It is good to preserve them.

Deputy City Manager Colbert Puff noted that funding is being requested for the information technology upgrade and replacement plan. There is an inventory of all the City machines and they run a regular program of replacing equipment to maintain efficient and correct operation. In FY20 there will be a Microsoft Office upgrade. The Fire Department and School Department have IT upgrades as well. There is a new project for IT called the Continuity of Operations - Redundant Site Build Out. They will identify how the city would continue operations in the event of a catastrophe and the City Hall server was shut down. This project is to build out an alternative site in a different location to continue operation. There is another project to downsize the maintenance and care by virtualizing the servers. The City will run virtual servers on fewer machines.

Fire Chief Achilles noted that the Fire Department was requesting funding for a web based incident management system.

Police Chief Merner noted that funding for an automated computer and dispatch system was being requested. Every time they have to add to the current system it is a \$5,000-\$10,000 cost. In FY20 money is being requested for a new dispatch system. City Manager Bohenko added that the first round was done through a federal grant. Police Chief Merner noted that they were looking at some systems. All new systems are now set up to prevent costly changes. It will also allow management dashboards and crime analysis.

Mr. Rice noted that funding was being requested for shared lot agreements with private entities. There is funding requested for parking lot maintenance. There is funding requested for parking meter replacements.

Ms. Walker noted that funding was being requested for the Hampton Branch Rail Trail. It is part of a shared bike/pedestrian route from the border of NH to Maine. Money has been allocated in previous years. They are waiting for NHDOT to negotiate a land acquisition from PanAm. The acquisition is closer than ever imagined. The state will allocate funding for the initial design and a stone dust path. Additional money is being requested for paving and additional improvements. Additional funding is being requested for the bike/pedestrian plan implementation. This will allow the City to be responsive to issues and continue the program. There is a funding request for the City's Wayfinding system. It includes the implementation of signs around town and there is an electronic component. The next piece is pedestrian signs for the downtown. There is a funding request for the North Mill Pond multi-use path. There was a design meeting last night. There is existing funding from CIPS and this would be for implementation and legal for easements. There will be bonding for future maintenance. There is funding being requested for Hodgson Brook restoration plan. There is funding being requested for a bike/pedestrian plan for a multiuse path along Route 1 in conjunction with NHDOT. They own that part of the property. There is a project related to the crosswalks and signals on Route 1. There is funding being requested for to complete Maplewood Ave. There is some state funding allocated for that for FY25. If the design plan is completed sooner, then the City can work with a private developer.

Mr. Rice noted that there was funding being requested to upgrade the Market Square streetscape and utilities. This will be done in conjunction with the Fleet St. project. There is funding being requested for the Sagamore Ave. sidewalk project.

Ms. Walker noted that there was funding being requested for Elwyn Park sidewalks. The City identified funds. They have applied for state funding as well. There is state funding for the Elwyn Road sidewalk extension and side path for bikes and pedestrians.

Mr. Rice noted that there was funding being requested for pedestrian accommodations along Banfield Road by adding a sidewalk from Ocean Rd. to the new rail trail. There is a citywide reconstruction program for over 77 miles of sidewalk. DPW does a condition evaluation and prioritizes the projects. This will be completed based on the synergy of other projects the DPW is working on. The City has about 20 intersections. Funding has been identified to upgrade those areas. In addition to signals funding has been identified for signal improvements. There is funding being requested to upgrade the Russell/Market intersection. There is funding being requested for the Pierce Island Bridge. It needs replacement and is on the state bridge replacement list for 2025. The City recently completed a Master Plan for bridges. Kearsage Way and Market St. bridges were identified as high priority that needs to be addressed. There is funding being requested for the Maplewood Ave. bridge replacement in the Master Plan. There is a significant amount of permitting involved with this and water and sewer funding will be required.

Ms. Walker noted that the Cate St. bridge replacement is not a funded project. It would be a replacement of the bridge or discontinuation of the bridge depending on the vote.

Mr. Rice noted that there was funding being requested for Islington St. improvements for Phase 1b and 2. It was broken into 2 phases initially and the first phase was broken into two because of high prices. The money is for second portion of the first phase and then for phase 2 in FY25.

Ms. Walker noted that funding was being requested for the Cate St. connector project. It is going to be extended to connect to the Route 1 Bypass. It will be done in conjunction with a private developer. This has been in and out of the CIP since 2005.

Mr. Rice noted that funding was being requested for the Peverly Hill Road project. There will be state and federal involvement in this.

Ms. Walker noted that funding was being requested for the Coakley-Borthwick connector roadway. The project will improve signalization and close access from Cottage St.

Mr. Rice noted that funding was being requested for the Fleet St. utility upgrade. Market Square will tie into it as well. Water and sewer money have been identified to take care of the streetscape. The street management program is similar to the sidewalk program. Money has been identified to continue the pavement management. They have identified a list of priority roads. Funding has been requested for the Pease International Tradeport roadway rehabilitation. There has been funding requested for Junkins Ave. to do upgrades along the road. There has been funding requested for improvements to the drainage on Pinehurst Road. This was brought

up by a public request. There was also a public request to add curbing along Madison St. to better define the roadway.

Vice Chairman Moreau noted that they were talking about the Maplewood Ave. bridge for a future project. Vice Chairman Moreau wanted to ensure that the City was planning for fail-safes and flooding given the studies in sea level rise. Mr. Rice confirmed that all projects have a resiliency component. They work with Peter Britz and the Planning Board to be aware of that point.

City Council Representative Perkins questioned if it was soon enough to allocate funds for the rail trail. Ms. Walker confirmed it was. The state has some acquisition money and construction money to allocate for the project. The communities have to do maintenance and any additional improvements. This request is anticipating the City would want to do those improvements.

City Council Representative Perkins requested clarification on the North Mill Pond funding amounts and years. Ms. Walker responded that the intent was to make a consistent design along the whole thing. They can do immediate construction of the park with the hotel approval.

City Council Representative Perkins questioned if the Route 1 crosswalks and signals funding was just for the design or to complete the project. Ms. Walker responded that FY21 would be for the design. The actual construction is dependent on the state timeframe. The hope is that it could be done in the next 5 years. They will continue to adjust the numbers accordingly.

City Council Representative Perkins requested clarification of the roll out on the Islington St. improvements. It has increased in phases. The staff is doing more comprehensive sewer water underground work in FY21-22. City Manager Bohenko responded that because of the shifting timeframe the City did a resurfacing of the road. Mr. Rice added that because there was an anticipated delay they did an overlay to have a workable surface for the mean time. The first phase was the bulk of the utility project from the Bypass to Albany St. The rest of the street is less utility intensive. The City has done a number of cost estimates and it has increased in cost over time. They don't have enough money to do all of phase 1 immediately. Additional water and sewer work has been identified. The City is not neglecting the rest of the corridor. They will continue to address it and continue to do upgrades.

City Engineer Terry Desmarais spoke to the enterprise fund requests. The first item is the annual waterline replacement. There is 150 miles of piping that is monitored and replaced if needed. There is a funding request for well station improvements to rehab the structures and equipment. There is a funding request for reservoir management. The City pulls drinking water from Madbury. Funding has been identified for FY20 for the Madbury wells. There are 3 existing wells and 1 in development in Madbury. There is a funding request for a new groundwater source and a connection of another groundwater source in town. There is a funding request for a water transmission main replacement from Dover to Newington. There is a funding request for Willard Ave. water mains and a sewer separation project on Willard Ave. A portion is already completed for the project. There is a funding request for the Islington St. improvements phase 1b and 2. There is a funding request for Maplewood Ave. area reconstruction. That work is underway and number of side streets have been identified for work as well. There is a funding

request for the Pleasant St. water mains. There is a funding request for painting the Newington booster tank. The exterior needs to be painted and it will require some maintenance. There is a funding request for the Maplewood Ave. bridge replacement and the utilities associated with replacement. There is a funding request for the Fleet St. utilities upgrade. This builds off the funding from the general fund and the sewer separation along Fleet St. There is a funding request for the DPW complex improvements. The next set of requests is for the sewer enterprise funds. There is a funding request for the Consent Decree Mitigation projects to provide sewer on either side of the Sagamore Ave bridge. Funds have been identified to meet regulations requirement. There is a funding request for long term control plan for projects. There is a funding request for the annual sewer line replacement. There is 115 miles of pipes. Many of them are older than 100 years and are in need of replacement. There is a funding request for the wastewater pumping station improvements. There is a funding request for the Mechanic St. pumping station upgrade. There is a funding request for the Willard Ave. sewer separation. There is a funding request for the Islington St. phase 1b and 2. This will cover the cost of the sewer portion. There is a funding request for the regional digester facility at the Pease Waste Water Treatment Facility. A study was conducted to look at the reduction in the amount of sludge disposed of in landfills. There is a funding request for the City storm drains improvements. This cost will be shared in the enterprise fund and the general fund. There is a funding request for the Pleasant St. sewer separation. There is a funding request for the Maplewood Ave. area reconstruction with number of side streets in need of sewer improvements. There is a funding request for the Maplewood Ave. bridge replacement. There is an existing sewer through the bridge today. They will have to look at replacing the sewer in the area. There is a funding request for the DPW complex improvements to support improvements for the sewer department operations. There is a funding request for the Fleet St. utility upgrades. There is a funding request for the Woodbury Ave. sewer separation.

Deputy City Manager Colbert Puff noted that they would appreciate the Planning Board’s vote to adopt the CIP.

Vice Chairman Moreau moved to recommend that City Council adopt the FY 2020-2025, seconded by Mr. Leduc. The motion passed unanimously.

Chairman Legg noted that if someone were to only look at one document to understand Portsmouth it would be this. The CIP shows the complexity of the City. It demonstrates the commitment by the city to invest in the future to benefit the residents, workers and visitors. Chairman Legg commended the staff for putting together the CIP and implementing it. City Manager Bohenko noted that this document was online now and encouraged anyone interested to read through it.

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**II. APPROVAL OF MINUTES**

A. Approval of Minutes from the November 15, 2018 Planning Board Meeting. Mr. Gamester moved to approve the minutes from the November 15, 2018 Planning Board Meeting, seconded by City Council Representative Perkins. The motion passed unanimously.

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**DETERMINATIONS OF COMPLETENESS**

**A. SITE REVIEW:**

- 1. The application of **The City of Portsmouth, New Hampshire, Owner**, for property located at **125 Cottage Street**, requesting Site Plan approval.

Mr. Gamester moved to determine that the application is complete according to the Site Plan Review Regulations and to **accept** the application for consideration, seconded by City Council Representative Perkins. The motion passed unanimously.

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**III. ZONING AMENDMENTS – PUBLIC HEARINGS – OLD BUSINESS**

- A. Amendments to the Ordinances of the City of Portsmouth, Chapter 10 Zoning Ordinance regulating Accessory Dwelling Units and Garden Cottages including revisions to Article 8 Supplemental Use Standards Sections 10.814 Accessory Dwelling Units and 10.815 Garden Cottages and revisions to Article 15 Definitions Section 10.1530 Terms of General Applicability. (This hearing was postponed at the November 15, 2018 Planning Board Meeting)

Planning Director Juliet Walker noted that there were a couple outstanding items at the last meeting that caused the Board to postpone the final vote. There is a redline version of the amendment for the Board to review. Page 5 of the recent amendments were related to how the City would allow for additions to an existing single family dwelling in keeping with the idea of a subordinate ADU. There are some proposed modifications. An increase in height is allowed, but only if it was an increase on the dwelling. For example adding a floor within zoning. The amendment was clarified to outline that any addition done for an ADU would not increase the height in zoning. Ms. Walker noted that there was a question about trusts at the last meeting. The term living has been removed from the trust section.

Mr. Gamester was amenable to that revision, but pointed out an area where trust needed to be added. Ms. Walker confirmed that would be corrected.

Vice Chairman Moreau commented that the revision about the height worked well.

**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 **recommend approval** of the proposed amendments to the City Council, seconded by Vice Chairman Moreau.

Chairman Legg complimented the Board. They had gone through this with three meetings. The staff did a good proposal and the Board made it better.

The motion passed unanimously.

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**IV. ZONING AMENDMENTS – PUBLIC HEARINGS – NEW BUSINESS**

- A. The request of Residents of Pinehurst Road, to amend the zoning for the properties on Pinehurst Road from General Residence A (GRA) to Single Residence B (SRB).

Ms. Walker noted that in October the residents of Pinehurst Road and Lookout Lane requested a re-zoning. The City Council referred the request to the Planning Board. A public hearing has to be part of the process. The primary impacts are outlined in the memo. The minimum lot area doubles and the lot area per dwelling unit also doubles. The street frontage is the same, but the lot depth increases. There is no change to the side yard, but the rear yard increases. The building coverage decreases and the open space coverage increases to 40% minimum. The primary change is in the land uses allowed. In GRA two-family residences are allowed by right if the requirements are met. In the SRB zoning that is not allowed. The Planning Department did an initial analysis to see how existing properties would be impacted. There are 21 properties on Pinehurst Road. The analysis also included the properties on Lookout Lane. Thirteen of the properties would not meet the lot area requirements for SRB. Eight properties would not meet the lot depth. In the current zoning all of the properties meet the requirements except one. Granting this zoning change would make these properties non-conforming lots. They would be grandfathered in, but would require a variance for any additions. With the current zoning 8 properties have enough lot area for a two-family use and three have the lot area for a three-family. One property has the lot area for a four-family. There is a special provision of the

ordinance that allows a property to be converted to a multi-family use with less minimum lot area. Under this provision more properties could be converted. This has not been used very often in Portsmouth. The proposed zoning would not allow this at all. Under the current and proposed zoning an ADU or garden cottage would be permitted on all properties. The neighborhood is similar in character to the other neighborhoods in the GRA District. The distinguishing characteristic is that it's a dead end street. There have been concerns about additional dwelling units and increased traffic. If the Planning Board moves this to City Council, then they should clarify what properties would be rezoned in the GRA.

Edward Eaton of 175 Pinehurst Road noted that it's a narrow dead end street with cars parked on either side. People walk, bike and play in the street. The residents have concerns about traffic and safety. In addition the line of sight on Pinehurst Road is particularly poor. It is hard to see the traffic coming from the upper side of South St. Adding traffic volume and more units will impact a tight situation. All of the homes are single family at this point. Residents on the street have signed the petition and are supportive of the change.

City Council Representative Perkins questioned if there was a proposal that prompted this. Mr. Eaton responded that there was a home demolished in the summer and there is a new home being built on the site now. At that time the residents became aware of what is allowed on the street. Once they became aware of what could happen, then it prompted this change request. The current design of the street would not be able to handle additional traffic.

City Council Representative Perkins noted that this was a tough request because the Planning Board needs to recommend changes in line with the Master Plan. City Council Representative Perkins understood that they all live there and signed petition. That weighs more too. Mr. Eaton noted that this zoning change does not preclude ADUs or Garden Cottages. The street could still provide more housing. It is a narrow dead end road and has poor line of sight. It cannot handle a lot of increased traffic.

Vice Chairman Moreau wanted to ensure that every single neighbor on the street understood which properties were not conforming and that those properties would need to go to the ZBA for a variance. Mr. Eaton could not speak for everyone to confirm they knew that. Vice Chairman Moreau questioned how the Board could notify they would not be conforming. Ms. Walker responded that they could flag the properties and include a letter. Vice Chairman Moreau wanted to make sure everyone was aware of all the impacts.

City Council Representative Perkins noted that these residents are giving up a lot of rights with this zoning change request. There is a large potential that these properties could be worth less in the future with this change. Residents should be aware of that.

Chairman Legg noted that none of the current residents would think about building a multi-unit house. The Planning Board's concern is for the future. Mr. Eaton understood.

## **PUBLIC HEARING**

David Underhill of 115 Pinehurst Rd. directly faces the just demolished construction. Mr. Underhill agreed with everything Mr. Eaton said. There is a property on Broad St. across the

fence. There is now a three-townhouse unit that didn't exist 3 years ago. That has made Mr. Underhill particularly aware of the concern. They are not asking to change the reality that is Pinehurst Road. There are no multi-family dwellings on the street at this time. The GRA has not kicked in. The reality of the street is SRB. They would love to keep it that way. Mr. Underhill emphasized that this is not an arbitrary worry. Mr. Underhill was not aware of a neighbor that opposed the request.

Michael Magnant of 140 Pinehurst Road supported the change request and urged the Planning Board to vote in favor and move it on to City Council.

Sally Mulhern of 60 Pinehurst Road noted she lived at the intersection with Lookout Lane. Pinehurst Road is a dead end, and so is Lookout Lane. That is two points with no egress. Ms. Mulhern supported what everyone before her had said.

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

## **DISCUSSION**

Chairman Legg asked for the Board Members' thoughts.

Vice Chairman Moreau commented that she has dealt with this property a lot with the demolition. Vice Chairman Moreau has driven down the road and understood the concern. Vice Chairman Moreau understood the residents' side of it, but was concerned about the non-conforming lots. People who are going to be non-conforming need to know what that means and should be referred to the Planning Department for more detail. If that happens and the neighbors are still on board then Vice Chairman Moreau would be less concerned.

Mr. Gamester agreed. It should be re-noticed and brought back in January.

City Council Representative Perkins noted that this one hurts a little because they have worked hard on the Master Plan, which encourages more units in the City. This zoning change seems like a strong protection. Zoning changes are hard to undo. This will lock in a density that won't open another spot for a young family to come in. City Council Representative Perkins took the point that the residents wanted it and that ADUs would still be allowed. City Council Representative Perkins was still struggling with the request.

Chairman Legg noted he was also struggling. Chairman Legg understood how special the neighborhood is to the residents. However as a Planning Board the Chairman had difficulty thinking about changing the zoning in the area. The majority of properties would be non-conforming. The Board needs to think about current residents and future ones. Chairman Legg asked residents to understand the complexity they face as a Board. They need more time to get more information and give it more thought.

Mr. Gamester Voted to postpone to the January 17, 2019 Planning Board Meeting, seconded Vice Chairman Moreau.

Chairman Legg noted that any other analysis they can bring to help the Board make a more informed decision would be helpful.

Vice Chairman Moreau questioned if there were any other options besides SRB. Ms. Walker responded there was not. There are only two single residences zoning an SRA would require more lot areas.

The motion passed unanimously.

B. The request of Attorney Robert Ciandella to amend the zoning for 290 Gosling Road from Waterfront Industrial (WI) to Office Research (OR).

Rob Ciandella with DTC Lawyers and Patrick Crimmins with Tighe and Bond spoke to the application. Mr. Ciandella noted that this was a piece of land they are seeking to have rezoned. The City Ordinance states WI properties have direct access to the Piscataqua River. There is a rail corridor and another unit between this space and the river. Office Research zoning is for a campus style of development of office buildings. This land is adjacent to an office park. Once it is rezoned it will be redeveloped to be part of the office park.

Mr. Crimmins walked through some of the plans and visuals. The most telling graphic is the one included in the staff memo. The parcel is landlocked with no driveway right off the road. It has an easement. There is no direct waterfront access because it is blocked by the railroad and the power plant parcels. Portsmouth Office Park surrounds it. The parcel south of that is 75 Portsmouth Blvd., which was redeveloped into an office building. The intent would be to merge or subdivide to make frontage on Portsmouth Blvd. and develop this as an office building.

Mr. Leduc recused himself.

Vice Chairman Moreau questioned what was currently on the property. Mr. Crimmins responded that it was previously industrial. It has since been torn down and the parcel is now vacant. Vice Chairman Moreau noted that the neighbors had concerns about traffic from the office building that just got built. Vice Chairman Moreau assumed they wouldn't have as many issues going down there. The neighborhood gets sensitive to having too many offices. It would be beneficial to let the neighborhood know what the plan is. Mr. Crimmins agreed.

**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**

Vice Chairman Moreau moved to recommend approval of the proposed amendments to the City Council, seconded by Ms. Record.

Ms. Walker noted that it was the Planning Department’s preference that the applicants help with that notification process. Vice Chairman Moreau agreed. People will come out of the woodwork. Ms. Walker confirmed they would work with the applicant.

The motion passed unanimously.

**VI. 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 **Pease Development Authority, Owner, and Lonza Biologics, Inc., Applicant**, for property located at **70 and 80 Corporate Drive**, requesting Subdivision approval, under Chapter 500 of the Pease Land Use Controls, Subdivision Regulations, to merge Map 305, Lots 5 & 6 (17.10 acres), Map 305, Lot 1 (13.87 acres), Map 305, Lot 2 (10.18 acres) and a discontinued portion of Goosebay Drive to create Map 305, Lot 6 (43.37 acres). Said properties are shown on Assessor Map 305 as Lots 1 & 2 and lie within the Pease Airport Business Commercial (ABC) district. (This application was postponed at the November 15, 2018 Planning Board Meeting.)

**Chairman Legg read the notice into the record.**

Vice Chairman Moreau moved to postpone this application to the January 17, 2019 Planning Board Meeting, seconded by Ms. Record. The motion passed unanimously.

B. 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+ s.f. footprint; Proposed Building #2: 150,000 + s.f. footprint; Proposed Building #3 with a 62,000+ s.f. footprint; and two 4-story parking garages, with 55,555 + s.f. of impact to the wetland, 66,852 + s.f. of impact to the wetland buffer and a 1,000+ 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 November 15, 2018 Planning Board Meeting.)

**Chairman Legg read the notice into the record.**

Vice Chairman Moreau moved to postpone this application to the January 17, 2019 Planning Board Meeting, seconded by Ms. Record. The motion passed unanimously.

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C. The application of **Pease Development Authority, Owner, and Lonza Biologics, Inc., Applicant**, for property located at **70 and 80 Corporate Drive**, requesting Site Plan Review Approval, under Chapter 400 of the Pease Land Use Controls, Site Review Regulations, for the construction of three proposed industrial buildings with heights of 105 feet: Proposed Building #1: 132,000 s.f. footprint and 430,720 s.f. Gross Floor Area; Proposed Building #2: 142,000 s.f. footprint and 426,720 s.f. Gross Floor Area; Proposed Building #3: 62,000 s.f. footprint and 186,000 s.f. Gross Floor Area; and two 4-story parking garages with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 305 as Lots 1 & 2 and lie within the Pease Airport Business Commercial (ABC) district. (This application was postponed at the November 15, 2018 Planning Board Meeting.)

**Chairman Legg read the notice into the record.**

Vice Chairman Moreau moved to postpone this application to the January 17, 2019 Planning Board Meeting, seconded by Ms. Record. The motion passed unanimously.

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D. The application of **Clipper Traders, LLC, Owner**, for property located at **105 Bartlett Street, Portsmouth Lumber and Hardware, LLC, Owner**, for property located at **105 Bartlett Street**, and **Boston and Maine Corporation, Owner**, for railroad property located between **Bartlett Street and Maplewood Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer for proposed roadway improvements to include configuration of parking, construction of parking islands, re-grading and installation of curbing to direct stormwater, utility improvements; drainage improvement and treatment including separation of stormwater from sewer, parking improvements and removal of two dilapidated structures with 37,733 ± s.f. of impact to the tidal wetland buffer. Said properties are shown on Assessors Map 157 as Lots 1 & 2 and Assessors Map 164 as Lots 1, 2, 3, and 4 and are located within the Character District 4-W (CD4-W) and Character District 4-L1 (CD4-L1) Zoning Districts. (This application was postponed at the November 15, 2018 Planning Board Meeting)

**Chairman Legg read the notice into the record.**

Vice Chairman Moreau recused herself from the application.

Mr. Gamester moved to postpone this application to the January 17, 2019 Planning Board Meeting, seconded by City Council Representative Perkins. The motion passed unanimously.

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**VII. 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 **Carolyn B. McCombe Rev. Trust of 1998, Carolyn B. McCombe, Trustee, Owner**, for property located at **910 Sagamore Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer to install a replacement residential sewage disposal system and remove the old system septic tank and pump chamber, with 1,576 ± s.f. of impact to the tidal wetland buffer. Said property is shown on Assessor Map 223, as Lot 26A and lies within the Waterfront Business (WB) District.

**SPEAKING TO THE APPLICATION**

Susan Faretra from Faretra Septic Design, LLC spoke to the application. There was a change to the plan and an additional report based on the Conservation Commission recommendations. The property is the located off of Sagamore Ave. It is a corner lot that abuts the creek. The entire parcel is in the buffer with wetlands across the street and drains out to Sagamore Creek. There are poorly drained wetlands in the existing lawn and in part of the wooded area that goes into the creek. The existing home has been there since 1979 and its’ a .62 acre lot. There is an existing septic pump chamber, with a forced main, and a leech field. Part of the leech field is on the abutting property. The owners want to correct that. An advanced treatment system would replace the existing tank and require a smaller leech field. It will be 75 feet away from the creek. The wetland application was submitted to the state. The old tanks will be removed and the forced main will be abandoned. The existing leech field will be abandoned to minimize the disturbance area. The existing system will meet the 75-foot state setback. The existing septic is only 65 feet. This application was presented to the Conservation Commission and the area designated in the plan as lawn will be natural vegetation. The Commission suggested planting that to prevent invasive plans. A wetland scientist put that planting area together. The new plantings and vegetation schedule was added to the plans. The total area of disturbance in the buffer is 1,576 square feet, but most of it will be temporary impact. The forced main is below grade. The new septic will be at a higher elevation than the old one.

Mr. Clark questioned how the forced main crosses the drain line. Ms. Faretra responded that it would go under or over depending on the drain depth. The drain is 6-7 feet below grade. Mr.

Clark noted that he has looked at this property before and looked in the drain line. It's a different site. Mr. Clark encouraged the owner to look into the whole drain system. It seems to be made of several different types of pipe and that are all different ages. It would be something that benefits the whole neighborhood. Mr. Clark did not want to increase the scope of the project, but if things are dug up anyway it may be time to look at the drain. Ms. Faretra responded that the culvert in the wetland drains a fair amount through there. Mr. Clark noted that it benefits everyone, but is owned by this one owner. It may not be the right time to do it, but they should look at it. Ms. Faretra noted that any work in that area would need to be approved by the state as well. That would need to be included in the state application. An engineering company may be the right people to look into that. Ms. Faretra understood the concern. Mr. Clark noted that if the scope of work was included in this the application then it could be amended.

**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**

Ms. Walker noted that the applicant amended the plans to include the stipulations. The motion should state the application should be approved as presented.

Mr. Gamester moved to approve the CUP application as presented, seconded by Vice Chairman Moreau. The motion passed unanimously.

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B. The application of **Brick Act, LLC, Owner, and Kristin Fichera/Tree House School, Applicant**, for property located at **102 State Street**, requesting Conditional Use Permit approval pursuant to Section 10.1112.52 of the Zoning Ordinance to expand a preschool from 20 students to 28 students, where 14 parking spaces are required and 0 off-street parking currently exist and no additional off-street parking is proposed. Said property is shown on Assessor Map 107 as Lot 52-1 and lies within the Character District 4 (CD4) and the Historic District.

**SPEAKING TO THE APPLICATION**

Attorney Tim Phoenix spoke to the application. The applicant Kristen Fichera was also present. Prior to 2017 the bottom floor was commercial and the upper floor was made into an apartment. The Zoning Board gave variances for those uses. In April 2017 they came before zoning because the parking required Zoning Board relief. This is a school for 20 students and Ms. Fichera would like to expand to 25 students. Twenty students required 10 parking spaces. The overall building use required 12 spaces; 10 for the school and 2 for the apartment above. They were granted a variance. The business has been successful and has a waitlist out to 2022. Ms. Fichera would like to expand to 28 students. The residential use will cease on the second floor and it will be converted upstairs to accommodate an egress. In order to make space for an extra 8 students, they need to come to this board for a CUP. Mr. Phoenix realized he did not attach tax

maps for a visual, so he handed them out. This building is on the lower end of State St. It is on a small lot with no parking on it. There is no place to put it. If this building were one block up State St. it would not require parking in the downtown overlay. There are 17 students who are local and walk or ride bikes to school. There are 3-4 parents who live out of town, but work in Portsmouth and park there. Some parents drop off their kids and go out to work. The drop offs do not last more than 2-5 minutes. There is no change in the parking needs. There is plenty of parking on State St. particularly in the morning. Attached to the submission are memos from 19 families saying they have never had a problem with parking and dropping off their kids. There is also notes from 10 nearby business owners who say that the Tree House School drop off and pick up do no negatively impact their businesses or parking. There are three teachers today and there will still be three tomorrow. There will be no issue with staff. When they were here before zoning in 2015 it was all speculative, but they didn't think would be problem. The school has been open for a little over a year and there has not been an issue. Ms. Fichera provided a chart of the drop off and pick up times to show they are staggered. There are several sibling groups that have two kids in one car. Mr. Phoenix felt the evidence of what was done supports the granting of the CUP. The submission includes the required parking analysis. There is plenty of area for parking for limited time. There is no impact on Portsmouth more than there is today. There is a balance to the parking needs. It is the only preschool in town. There is no other commercial use that would require parking for an extended time.

Vice Chairman Moreau questioned if they looked at alternatives to parking. Vice Chairman Moreau requested they talk about the loading zone. Mr. Phoenix responded that often there is a truck there loading and unloading. It has worked. They also have one leased space at Strawberry Banke. Ms. Fichera will be moving out of the residential unit, so one employee can park there. They already have relief for 12 spaces.

Chairman Legg questioned if 28 students would be the maximum amount allowed. Ms. Fichera responded that 28 students would be the maximum.

## **PUBLIC HEARING**

Karen Bouffard owner of 100 State St. noted that Ms. Fichera has been a wonderful tenant and is very responsible. She is using the property uniquely and Ms. Bourffard supported the approval and expansion.

Patrick Crimmins of 618 Dennet St. noted that he has some good friends who send their kids to the school. Mr. Crimmins has checked it out for his child as well. Mr. Crimmins hoped this would be approved, so he could send his son there.

## **DISCUSSION AND DECISION OF THE BOARD**

City Council Representative moved to **grant** the Conditional Use Permit as presented, seconded by Mr. Gamester.

City Council Representative Perkins commented that the applicant made a compelling case for why this is different for requesting a waiver. City Council Representative Perkins has seen the drop offs in action and it seems to be a symbiotic relationship.

Vice Chairman Moreau commented that she has had an office in that general area and watched this place open. It is the quietest part of Portsmouth in the morning. Vice Chairman Moreau had not heard of any complaints in the afternoon for pick-ups. The businesses in the area support it.

City Manager Bohenko was concerned about waiving 14 spaces. There have been compelling reasons given, but a lot of it deals with the person running the facility. Someone else could come in a year or two from now and that could all change.

Mr. Leduc understood the concern. However, Mr. Leduc lives in Portsmouth and took his kids to Exeter for preschool. Mr. Leduc supported a school like this because Portsmouth needs it. There are parking concerns and it's a tough argument. Mr. Leduc commented that he loved that this building is being used for a school. Chairman Legg commented that he was skeptical at first, but it makes sense. This site has proven that it has opportunity to grow. The evidence shows parking is not required. The Chairman was comfortable waiving it because they were asking for 2 spots to be waived not 14.

Ms. Record noted that it was a great use of the building. It is refreshing to have little kids downtown. It is a great facility to have in the City.

The motion passed unanimously.

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C. The application of **Samuel Dushkin and Nicole Defeo, Owners**, for property located at **149 Cass Street**, requesting Conditional Use Permit approval pursuant to Section 10.815 of the Zoning Ordinance to create a one room Garden Cottage in an existing 19' X 19' building, with a footprint of 361 s.f. and a gross floor area of 351 s.f. Said property is shown on Assessor Map 1461 as Lot 7 and lies within the General Residence C (GRC) District.

**SPEAKING TO THE APPLICATION**

Chris Mulligan from Bosen and Associates represented the applicants. This is a fairly straightforward application for a garden cottage. The applicants will convert the existing accessory structure that has been on the property since 1940 into a garden cottage. The staff memo indicates this application meets all of the required criteria. The existing structure will not be expanded vertically or horizontally. There will be no change to the exterior. It will not be more than 600 square feet. It is within the setbacks, however, there are no windows or doors facing the property in that setback. The primary dwelling is the applicant's principle residence and that will remain the case. There are no separate metered utilities. The conditions of the approval board will require both dwellings remain in common ownership. The exterior design is compatible with the existing residence. The overall property itself provides adequate open space and landscaping useable for both the primary dwelling and garden cottage. It is a very large lot for this part of Cass St. It has a significant and lovely garden available to the primary dwelling and garden cottage. The garden cottage maintains a compatible relationship to the adjacent properties and will not reduce privacy. There are no windows or doors facing the adjacent

property. There are no privacy concerns. What is proposed will not result in excessive noise or traffic. There is room for four discreet parking spaces. It is more than adequate for the zoning. All of the policy reasons behind promoting the ADU and garden cottages come to fruition with this project. Mr. Mulligan requested the Board's approval.

Vice Chairman Moreau questioned if the applicant would be willing to extend the 6-foot fence. Mr. Mulligan confirmed that the neighbor raised that concern and the applicants agree to that condition.

## **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**

Vice Chairman Moreau noted that this was exactly what the Board had in mind when the ordinance was written.

Mr. Leduc questioned if the fence would be a 6 foot fence or maintain the elevation. Vice Chairman Moreau responded that it should maintain the height of the existing fence. Mr. Leduc noted that that would be a much higher fence. Mr. Mulligan agreed and noted that was because the land goes down in that area. Vice Chairman Moreau clarified that they should maintain a 6-foot fence to the front. Ms. Walker noted that Mr. Leduc pointed out that it might not achieve the privacy the abutter wants. Vice Chairman Moreau commented it was the best they could do.

Mr. Gamester questioned if there was reason why the Board didn't carry over recording garden cottages. Ms. Walker responded that they should have. That may be something that was overlooked. Chairman Legg noted that the Council could deal with that. Mr. Gamester requested to add that as a stipulation. Vice Chairman Moreau agreed.

City Council Representative Perkins supported the application, but wanted to clarify why they can approve this now even though it was denied as variance. City Council Representative Perkins questioned if it was because of the zoning change. Ms. Walker confirmed that was correct. Because of the ordinance, it is now allowed to add the garden cottage.

Vice Chairman Moreau moved to find that the application satisfies the requirements of 10.815.40, seconded by Mr. Gamester. The motion passed unanimously.

Vice Chairman Moreau moved to **grant** the conditional use permit as presented, seconded by Mr. Gamester 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.

2. The conditional use permit shall expire unless the initial certificate of use is obtained within 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.
3. The applicant shall install a 6-foot tall fence along the southeastern side of the property that abuts 169 Cass Street extending from the existing approximately 6-foot tall fence on that side of the property to the street. Where the new fence meets the existing lower fence located along the front property line, the new fence shall slope down to meet the height of the existing fence.
4. Documentation of the conditional use permit shall be recorded at the Rockingham County Registry of Deeds once the certificate of use has been issued.

The motion passed unanimously.

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D. The application of **Islamic Society of the Seacoast Area,, Owner**, for property located at **686 Maplewood Avenue**, requesting Conditional Use Permit approval pursuant to Section 10.1112.52 of the Zoning Ordinance to allow 60 parking spaces where 78 parking spaces are required. Said property is shown on Assessor Map 220 as Lot 90 and lies within the Single Residence B (SRB) District.

Request to  
Postpone

**Chairman Legg read the notice into the record.**

Mr. Gamester moved to postpone this application to the January 17, 2019 Planning Board Meeting, seconded by City Council Representative Perkins. The motion passed unanimously.

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E. The application of **The City of Portsmouth, New Hampshire, Owner**, for property located at **125 Cottage Street**, requesting Site Plan approval for adaptive reuse and renovations of the former U.S. Army Reserve Center into a Senior Activity Center, and a front entry addition with a footprint and Gross Floor Area of 150 s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 174 as Lot 15 and lies within the Municipal (M) District.

**SPEAKING TO THE APPLICATION**

Brinn Sullivan Director of Senior Services, Tim Nicholls and Ben Clark spoke to the application. Mr. Nichols commented that he got involved in 2015 to redevelop the former reserve centers. The design was completed a year and a half ago to reuse this space for the senior activities center. The goal was to accommodate the existing senior activity functions and the DPW, Fire Department and Recreation. There was an abutter meeting at the end of October and a TAC review meeting. They have addressed the comments in the packet. The basis of design was to afford a modern facility that meets the current and future uses. The design also incorporated life

safety needs, sustainability, and historical requirements. There are some historic deed restrictions. Those were not conveyed in the deed process, but they have been sensitive to that throughout design. The adaptive reuse involves site infrastructure, utilities, driveways, pedestrian access, lighting and landscaping. The new entry addition is a small structure in front of the building to provide an appealing entrance. There will be renovation of the interior of the building. There will be new systems, new flooring and walls. There will be some wall removal. There will also be some outdoor space connections and enhancements.

Vice Chairman Moreau noted that the building next door is becoming a medical building. There is an existing easement on that property. Vice Chairman Moreau questioned if they had thought about access in the back to link the senior center and medical building. Mr. Nichols responded that they cannot do it in the existing phase, but it could be considered for development in the future phases.

Mr. Leduc noted that the site plan showed a chain link fence between the properties. Mr. Leduc questioned if that was an existing fence. Mr. Nichols confirmed that it was and noted that it would remain. The barbed wire will be removed. They can look at the connectivity and maybe add a gate.

**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**

Vice Chairman Moreau moved to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration, seconded by Mr. Gamester. The motion passed unanimously.

Vice Chairman Moreau moved to **grant** Site Plan Review Approval, seconded by Mr. Gamester with the following stipulations to be completed prior to the issuance of a building permit:

1. Applicant shall verify the feasibility of widening the access driveway on the west side with DPW.
2. Applicant shall provide details of the proposed lighting poles consistent with the City Standard, to be provided by DPW.

The motion passed unanimously.

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F. The application of **2422 Lafayette Road Associates, LLC, Owner**, for property located at **2454 Lafayette Road**, requesting Amended Site Plan approval to construct three (3) restaurant buildings; Proposed Building #1: 5,000 s.f. footprint and Gross Floor Area, Proposed Building #2: 1,600 s.f. footprint and Gross Floor Area; Proposed Building #3: 2,310 s.f. footprint and

Gross Floor Area, with related green space and associated site improvements within the existing plaza parking area. Said property is shown on Assessor Map 273 as Lot 3 and lies within the Gateway Corridor (G1) District.

### **SPEAKING TO THE APPLICATION**

Patrick Crimmins with Tighe and Bond and Doug Richardson with Waterstone Properties spoke to the application. Mr. Crimmins noted they were there seeking a site plan amendment for Portsmouth Green. They have been here a number of times starting in 2009. Over the years Waterstone has done a good job refurbishing the plaza. The Viridian Plaza had been very successful. Now that the residential is complete they are focusing back on the retail piece. One amendment is shown in the overlay exhibit in the north corner next to the existing retail strip. It was previously a 4,000 square foot building, but they are now proposing a 5,000 square foot building. The tenant needs the additional square footage. The entry had a prior approval with separated buildings flanking the park. The new proposal is to combine the buildings to be in the center with a park and patio on the side. They already have a national chain in agreement to fill one building. They want to get visibility on entry. This will create view corridors. Big Lots is leaving and a new restaurant tenant is going in there. There will be a number of bike racks dispersed around the plaza. There will be an open space area to accommodate the tenant. This application was presented to TAC earlier this month and received a recommendation for approval with 5 stipulations. Stipulation number 4 was the biggest one. They had to prove changing the park was good. The submission included a package prepared by the applicant that explains the dispersing activities to spaces around the plaza. They have provided material for the plaza Waterstone owns and operates in Rochester where they do similar activities. The Brickyard had a Halloween event there that was successful. The plan will be to spread out community activities throughout plaza.

Ms. Walker requested Mr. Crimmins walk the Board through the plan. Mr. Crimmins responded that the rear of the cinema has a gated dog park. The green space in front of the Viridian was utilized over summer. The tenant will utilize the space adjacent to Big Lots with corn hole and movie nights on the cinema. There will be community activities in the smaller spaces adjacent to the 5,000 square foot building.

Chairman Legg noted that the total impact on the green space would change. Mr. Crimmins responded that it is a 2,500 square foot reduction. They still meet the requirements of pedestrian oriented space. Ms. Walker added that this is still from the previous zoning, so no community space is required.

Vice Chairman Moreau commented that she was looking forward to having the large green space as you drive in. Vice Chairman Moreau was disappointed with the plan change. This will block off some of the businesses. Chairman Legg agreed. This was the first attempt as a City to combine residential space with retail space. It was compelling when it was presented with a big green open space. Now it's just small pieces and not as compelling. If this were in front of the

Board the first time, then the reception would have been different. This is a big change from what was originally pitched.

City Manager Bohenko echoed the previous comments. A lot of its use and how it was laid out was good. The City Manager was disappointed with the change.

Mr. Gamester requested Ms. Walker walk through the parking requirements. Ms. Walker responded that the applicant could do a better job of that. They are meeting the parking requirements and may exceed it. Mr. Richardson added that the two primary exhibits are protected zones for the Movie Theater and McKinnons. Because Big Lots is coming out, so they can modify the older one. They are going to engage the green space between the theater and the Big Lots with grass space and a patio. They will be doing a movie screening on the wall of the theater. They did not want to focus family activities at the traffic coming in and out of the entrance. The back is a quieter area. This is what they currently do in Rochester, NH and the green space there is what is between the two restaurants.

City Council Representative Perkins was not quite as disappointed as everyone else. City Council Representative Perkins did not feel that hanging out in a green space in front of a signal would be all that attractive. If the spaces were done thoughtfully, then they would be useful. It's in the applicant's best interest to do that. The zoning is what it is so it would be good to have quality spaces. Mr. Richardson agreed.

Ms. Walker clarified that this design is driven by Chipotle. Mr. Richardson confirmed that was correct. Ms. Walker noted that the concern was what if there is a turn over. Ms. Walker questioned if this was something other restaurants would want. Mr. Richardson confirmed they would. They have a commitment with a letter of intent to fill the other space with a salad oriented tenant. They have been very careful to have a variety of options and a unique architectural style.

## **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**

Vice Chairman moved to grant Amended Site Plan Approval, seconded by Mr. Gamester with the following stipulations to be completed prior to the issuance of a building permit:

1. Overall Site Plan Amendment Exhibit to be updated to include recommended revisions from the Technical Advisory Committee.
2. Sheet C-8 Erosion Control Notes and Detail Sheet shall be revised to include silt socks instead of a silt fence.

The motion passed in an 8-1 vote.

Vice Chairman Moreau was disappointed by the changes, but appreciated City Council Representative Perkins' and the applicant's comments. Vice Chairman Moreau commented that she would vote in favor because she did not see a plan that worked better.

City Manager Bohenko expressed concern about the traffic circulation. Ms. Walker responded that there was discussion back and forth at TAC about how they felt about it. It actually is a little better now. One area in agreement was that the circulation was better. Mr. Crimmins agreed with Ms. Walker's comments. This design provides the opportunity to disperse traffic to get better access in the area.

**VIII. PRELIMINARY CONCEPTUAL CONSULTATION**

A. The application of **Torrington Properties, Inc. and Waterstone Properties Group, Inc., Applicants**, for property located at **428 Route 1-Bypass, Inc.** requesting a second Preliminary Conceptual Consultation review for a mixed use development.

No vote necessary.

B. The application of **Redgate, on behalf of SoBow Square, LLC, applicants**, for property located at **62 Daniel Street** (McIntyre Building), requesting Preliminary Conceptual Consultation review for a mixed use development.

Steve Perdue from Redgate has partnered with the City of Portsmouth and is attempting to obtain the property on Daniel St. The property is a historic resource and will they will propose to redevelop the entire property. Over the past year the community came together to inform the process and the design. There are three major components to the project. The first is the McIntyre building. There will be a complete renovation and selective restoration of the building to office retail space. The intent is to keep the same office upstairs and use the ground floor so retail. There will be a new construction of 77 residential apartments and 77 parking spaces with retail space. The third major component is that nearly half the site is programming open space that is all connected throughout the site. The lower level plan has a couple retail spaces and a lower level garage space. The main ground floor plan will include a number of retail spaces adjacent to the new plaza spaces. All of the central area fronts a central community space. There are a number of renderings to help visualize the design. They include the community space and buildings. They are working with NPS to make sure the design of the project is something they would approve. This project will meet zoning standards 100%. There have been several meetings with the HDC already. They will meet in early January to continue the conversation. This will go through TAC and the Planning Board early next year.

Vice Chairman Moreau questioned how many parking spaces existed today. Mr. Perdue responded that there are currently 44 spaces. They will create 77 spaces in the garage. Vice

Chairman Moreau was excited about the stairs going up to St. John’s Church, and questioned if they had permission to go up into the parking lot of the church or the road. Mr. Perdue responded that it would go to Chapel Road. Vice Chairman Moreau noted that she loved the light and air and the public spaces. It will be good to have the McIntyre building as office space. Lack of parking can push people out of office space. If the parking was all going to go to the residents, then they should really look for parking for the office tenants. It could even just be for guest parking for the clients.

Chairman Legg noted that they should think about it if they could get more than 77 spaces. The applicants are already utilizing stacking technology, but if there could be more that would be helpful. Mr. Perdue responded that they would explore that.

Mr. Clark commented that he enjoys the sight lines coming down Penhallow St. looking toward Bow St. The resident building throws a wrench in the sight lines. Mr. Clark was not a huge fan of tight corridors and passageways because it creates a tunnel to some degree.

Chairman Legg commented that he did not feel the need for green space here. It’s an urban landscape that could be attractive and activated. It is a short walk to Prescott Park and future green space in proposed in the Wentworth Parking area. The idea that this needs to be green space is not consistent with what’s around it. Overall it’s a pretty solid design. Mr. Perdue noted that it’s a really tight site. They worked really hard to get the density needed for financial feasibility and to provide covered hidden parking.

Vice Chairman Moreau noted that parking was the biggest issue, and questioned if the garage could be extended. Mr. Perdue responded that the priority was to activate Bow St. with retail as much as possible. They could extend the garage, but that would limit retail. Vice Chairman Moreau questioned if it could be under the retail. Mr. Perdue responded that would be cost prohibitive.

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**IX. OTHER BUSINESS**

A. January Work Session Scheduling.

Ms. Walker noted there was potential for a second meeting in January. The Chair and other Board Members have requested to have a discussion on the transportation analysis in the Cate St. corridor and connector, the Bartlett St. intersection and how the CIP items discussed relate to them.

Chairman Legg asked Ms. Walker to poll the Board to see if there would be availability on the 24<sup>th</sup> and if there is an appropriate response to have the second meeting. Chairman Legg also requested that the Staff conduct a financial economical analysis of the revised Workforce Housing Ordinance. That suggests 20% for the units and appropriate rent associated with that.

There has been some preliminary work, but maybe there is more experience now. There may be more information. It would help the Board make more informed decisions.

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**X. ADJOURNMENT**

Vice Chairman Moreau moved to adjourn the meeting at 9:47 p.m, seconded by City Council Representative Perkins. The motion passed unanimously.