

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

FEBRUARY 21, 2019

MEMBERS PRESENT: Dexter Legg, Chairman; Elizabeth Moreau, Vice-Chairman; Colby Gamester; Ray Pezzullo, Assistant City Engineer; Jody Record; Jeffrey Kisiel; Polly Henkel, Alternate and Corey Clark, Alternate

ALSO PRESENT: Jillian Harris, Planner I

MEMBERS ABSENT: John P. Bohenko, City Manager, Rebecca Perkins, City Council Representative, Jay Leduc and Corey Clark.

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I. APPROVAL OF MINUTES

- A. Approval of minutes from the January 17, 2019 and January 24, 2019 Planning Board meetings.

Unanimously approved.

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II. DETERMINATIONS OF COMPLETENESS

A. SUBDIVISION REVIEW

1. The application of Service Credit Union, Owner, for property located at 3003 Lafayette Road, requesting Subdivision approval.

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

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III. PUBLIC HEARINGS– OLD BUSINESS

*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 **Clipper Traders, LLC, Owner**, and **Portsmouth Lumber and Hardware, LLC, Owner**, for property located at **105 Bartlett Street**, 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 \pm 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).

Voted to **accept withdrawal** of the application.

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B. The application of **Thomas and Ann Taylor, Owners**, for property located at **43 Whidden Street**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to install permeable pavers for two parking spaces and plantings, with 400 \pm s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 109, as Lot 2 and lies within the General Residence B (GRB) and Historic District. (This application was postponed at the November 15, 2018 Planning Board Meeting).

Voted to **postpone** to the March 21, 2019 Planning Board meeting.

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C. The application of **Patrick Liam Hughes, Owner**, for property located at **65 Fields Road**, requesting Conditional Use Permit approval pursuant to Section 10.814.40 of the Zoning Ordinance to construct an attached accessory dwelling unit (AADU) in an existing residential structure, with a footprint of 760 s.f. and a gross floor area of 760 s.f. Said property is shown on Assessor Map 170 as Lot 4 and lies within the Single Residence B (SRB) District.

The Board voted as follows:

1. To **grant** a modification from the following sections:
 - 1.1) Section 10.814.42 of the Zoning Ordinance – for approval of an AADU with 760 s.f. of gross floor area where 750 s.f. is the maximum allowed.
 - 1.2) To allow 3 parking spaces that do not comply with the dimensional requirements of Section 10.1114.21 of the Ordinance.
2. To find that the application satisfies the requirements of 10.814.60.
3. To **grant** the conditional use permit as presented, with the following stipulations:

- 3.1) In accordance with Sec. 10.814.70 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. 10.814, including the owner-occupancy requirement, and shall renew the certificate of use annually.
- 3.2) 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.
- 3.3) Documentation of the conditional use permit shall be recorded at the Rockingham County Registry of Deeds once the certificate of use has been issued.

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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.*

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- A. The application of **The Vaughn Family Revocable Trust, Owner, Steven Riker, Applicant**, for property located at **50 Pleasant Point Drive**, requesting a Wetland Conditional Use Permit pursuant to Section 10.1017 of the Zoning Ordinance for 1,096 square feet of temporary impact and 641 square feet of permanent impact for a total of 1,737 square feet of wetland buffer disturbance for construction of an attached garage with associated site improvements. Said property is shown on Assessor Map 201 as Lot 11 and lies within the Single Residential B (SRB) District.

The Board voted to **grant** the wetland conditional use permit with the following stipulations:

- 1) Provide a gutter along the roofline of the second floor with a downspout to the pea stone covered patio, or other infiltration area.
 - 2) Approval of this permit is contingent upon approval of the requested variances from the Board of Adjustment, scheduled to be heard at the February 26, 2019 meeting.
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- B. The application of **The Neil A. Fitzgerald Family Trust, Owner, R. Timothy Phoenix, Applicant**, for property located at **226 Park Street**, requesting Conditional Use Permit approval pursuant to Section 10.814.50 of the Zoning Ordinance to construct a new detached garage containing a detached accessory dwelling unit (DADU) with a gross floor area of 410 square feet. Said property is shown on Assessor Map 149 as Lot 50 and lies within the General Residence A (GRA) District.

The Board voted to **accept withdrawal** of the application.

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C. The application of **Cate Street Development, Owner & Applicant**, for property located at **428 Route 1 Bypass**, requesting Wetland Conditional Use Permit pursuant to Section 10.1017 of the Zoning Ordinance for 19,567 square feet of temporary impacts and 50,225 square feet of permanent impacts for a total of 69,792 square feet of wetland buffer disturbance to redevelop the lots for residential living space including office and retail space. Said property is shown on Assessor Map 172 as Lot 1, Assessor Map 173 as Lot 2, Assessor Map 165 as Lot 2 and Assessor Map 163 as Lots 33 & 34 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.

Voted to **postpone** to the March 21, 2019 Planning Board meeting.

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D. The application of **Service Credit Union, Owner and City of Portsmouth, Applicant**, for property located at **3003 Lafayette Road**, requesting Preliminary and Final Subdivision Approval between two lots and a proposed new right-of-way as follows: Lot 1 as shown on Assessor Map 291 decreasing in area from 764,798 s.f. to 627,374 s.f. with 570' of continuous street frontage on Lafayette Road; and Lot 1-1 as shown on Assessor Map 291 decreasing in area from 1,179,324 s.f. to 1,163,825 s.f. with 980' of continuous street frontage on Lang Road; and Proposed Lot 1-2 on Assessor Map 291 with 74,148 s.f. and 294.83' of continuous street frontage on a proposed new right-of-way connecting Longmeadow Road and Lang Road with an area of 78,775 s.f. Said properties are located in the Gateway Corridor (G1) District and the Garden Apartment/Mobile Home Park (GA/MH) District.

The Board voted as follows:

To **grant** Final Subdivision Approval 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.
 - 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.
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V. ADJOURNMENT

It was moved, seconded, and passed unanimously to adjourn the meeting at 7:34 p.m.

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Respectfully Submitted,
Tracy Gora,
Acting Secretary for the Planning Board