

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

MAY 16, 2019

MEMBERS PRESENT: Dexter Legg, Chairman; Elizabeth Moreau, Vice-Chairman; Rebecca Perkins, City Council Representative; Ray Pezzullo, Assistant City Engineer; Colby Gamester; Jody Record and Polly Henkel, Alternate.

ALSO PRESENT: Juliet T.H. Walter, Planning Director and Jillian Harris, Planner I.

MEMBERS ABSENT: John Bohenko, City Manager; Jay Leduc; Jeffrey Kisiel; Corey Clark, Alternate

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I. APPROVAL OF MINUTES

A. Approval of minutes from the April 18, 2019 and April 25, 2019 Planning Board meetings. The minutes of the April 18, 2019 and April 25, 2019 were unanimously approved.

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II. DETERMINATIONS OF COMPLETENESS

A. SUBDIVISION REVIEW

1. The application of **RJF-Maplewood, LLC, Owner** and **RW Norfolk Holdings, LLC, Applicant**, for property located at **111 Maplewood Avenue** requesting a two-lot subdivision.

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

2. The application of **Boston & Maine Corporation (Lot 4) and Iron Horse Properties, LLC, (Lot 4-2) Owners** for properties located on **Bartlett Street** requesting a Lot Line Relocation.

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

B. SITE PLAN REVIEW

1. The application of **RJF-Maplewood, LLC, Owner** and **RW Norfolk Holdings, LLC, Applicant**, for property located at **111 Maplewood Avenue** requesting Site Plan approval to construct a 4-story office building.

Voted to determine that the application is complete according to the Site Plan 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 **Wentworth-Gardner & Tobias Lear Houses Association, Owner**, and **Stephen M. Foster, Applicant**, for property located at **49 Hunking Street** requesting a Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance for provision of no on-site parking spaces where a minimum of three are required to operate an Inn. Said property is shown on Assessor Map 103 as Lot 39 and lies within the General Residence B (GRB) and Historic Districts. *(This application was postponed at the April 18, 2019 Planning Board meeting.)*

The Board voted as follows:

- 1) To **accept** the findings of the applicant's parking demand analysis and to find that the provision of 3 off-street parking spaces provided on an abutting lot will be adequate and appropriate for the proposed use of the property.
- 2) To **grant** a conditional use permit pursuant to Section 10.1112.14 of the Portsmouth Zoning Ordinance to permit no parking spaces on the lot where 3 off-street parking spaces are required with the following stipulation:
 - 2.1) The shared parking arrangement to provide 3 parking spaces on the property of the Wentworth Gardner House shall be secured by a covenant acceptable to the City and recorded at the Rockingham County Registry of Deeds.

- B. The application of **Frank Veneroso, Owner and Applicant**, for property located at **53 Austin Street** requesting a Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance to provide twelve on-site parking spaces where a minimum of seventeen are required to operate an Inn. Said property is shown as Assessor Map 127 as Lot 26 and lies with the General Residence C (GRC) District. *(This application was postponed at the April 25, 2019 Planning Board meeting.)*

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

- C. The application of the **City of Portsmouth School Department, Owner**, for the property located at **32 Van Buren Avenue (Dondero Elementary School)** requesting to amend a Wetland Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for

playground renovations. The amendment includes addition of a performance area with stage and benches and an accessible recreation access route/boardwalk with 309 +/- s.f. of wetland buffer disturbance. Said property is shown on Assessor Map 250 as Lot 106 and lies within the Municipal (M) District. *(This application was postponed at the April 25, 2019 Planning Board meeting.)*

The Board voted to **grant** the amended Wetland Conditional Use Permit as presented.

IV. PUBLIC HEARINGS – NEW BUSINESS

A. The application of **RJF-Maplewood, LLC, Owner** and **RW Norfolk Holdings, LLC, Applicant**, for property located at **111 Maplewood Avenue** requesting Preliminary and Final Subdivision approval for a two lot subdivision as follows: the subject lot to be divided so that Lot 1 becomes 58,583 s.f. with 840 ft. of street frontage and Lot 2 becomes 42,779 s.f. with 610 ft. of street frontage Said property is shown on Assessor Map 124 as Lot 8 and lies within the Character District 5 (CD5), Historic and Downtown Overlay Districts.

1. Vote to **grant** Preliminary and Final Subdivision Approval with the following stipulations:
 - 1.1) Lot numbers as determined by the Assessor shall be added to the final plat.
 - 1.2) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
 - 1.3) GIS data shall be provided to the Department of Public Works in the form as required by the City.
 - 1.4) The final plat shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

B. The application of **RJF-Maplewood, LLC, Owner** and **RW Norfolk Holdings, LLC, Applicant**, for property located at **111 Maplewood Avenue**, in the North End Incentive Overlay District, requesting a Conditional Use Permit in accordance with Section 10.5A46.23 of the Zoning Ordinance to allow the additional 3,351 s.f. of Community Space provided by this project to be credited to the applicant for use in another development in the same Incentive Overlay District.

1. Vote to **grant** the Conditional Use Permit with the following stipulation:
 - 1.1) The applicant shall enter into a Prospective Development Incentive Agreement (PDIA) with the City per the requirements of Section 10.5A46.23(3).

C. The application of **RJF-Maplewood, LLC, Owner** and **RW Norfolk Holdings, LLC, Applicant**, for property located at **111 Maplewood Avenue** requesting Site Plan approval to construct a 4-story office building with a footprint of 19,900 s.f. and gross floor area of 74,000 s.f. with related paving, lighting, utilities, landscaping, drainage and associated site

improvements. Said property is shown on Assessor Map 124 as Lot 8 and lies within the Character District 5 (CD5), Historic and Downtown Overlay Districts.

1. Vote to find that a waiver will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Subdivision Regulations, and to waive the following regulations:
 - a) Section 9.3(6) - requiring dumpster or other waste container pads to be a minimum of 20 feet from any property line or yard.
2. Vote to **grant** Site Plan Review Approval with the following stipulations:

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

- 2.1) Applicant shall work with DPW to finalize the location and design of the lighting conduit layout.
- 2.2) Applicant shall contribute to the City for infrastructure improvements as follows:
 - a) Sewer infrastructure improvements on Raynes Avenue and Vaughan Street -- \$20,000.
 - b) Russell Street / Market Street Intersection Improvements -- \$37,500. This contribution shall be returned to the developer if the improvements are not constructed, under construction, or designed and scheduled for construction by 12/31/2026.
 - c) Deer and Maplewood Avenue Intersection Improvements to Traffic Signal -- \$8,832. This contribution shall be returned to the developer if the improvements are not constructed, under construction, or designed and scheduled for construction by 12/31/2026.
- 2.3) Plans shall be reviewed and updated for consistency with the Maplewood Avenue Complete Streets Project Preliminary Engineering Plans subject to final approval by the Planning Director.
- 2.4) Sheet C-102.3 shall be updated to note that the arrows shown on the plan shall be painted on the pavement surface to help guide motorists in the proper direction.
- 2.5) Plans shall include details on the screening of the existing and proposed transformer and dumpster areas.
- 2.6) Basement level egress locations shall be reviewed and approved by the Fire Department.
- 2.7) Tree species selection and caliper size shall be reviewed and approved by the City Arborist.
- 2.8) Raised planters proposed to be located on City property shall be changed to tree grates and tree guards or other treatment that is flush to the sidewalk and protects the street trees subject to final approval by the DPW Director and City Arborist.
- 2.9) The applicant shall provide updated plans to the City indicating sewer lateral locations prior to the City's planned sewer upgrades in spring 2019.
- 2.10) The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City.
- 2.11) A temporary support of excavation (SOE) plan shall be prepared by the applicant's contractor to confirm any temporary encumbrances of the City's right-of-way.

- 2.12) The site plan shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
- 2.13) Easements deeding permanent public access to the community space areas and any other required public easements shall be approved and accepted by the City Council prior to being recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
- 2.14) All site review plans and supporting documents shall be updated to correctly list the building height and dimensions of building footprint and community space as represented to and approved by the Planning Board and Historic District Commission.

To be completed subsequent to the issuance of a building permit

- 2.15) Applicant shall complete final paving and pavement striping per DPW requirements for the entire width of Vaughan Street and Raynes Avenue from Green Street north to Maplewood Avenue.
- 2.16) Locations of existing and proposed utility lines to the site shall be approved by the City of Portsmouth DPW prior to construction.
- 2.17) Final water service size and location shall be coordinated with the Building Drawings and DPW prior to construction.
- 2.18) The proposed loading zone shall be reviewed by the Parking & Traffic Safety Committee for recommendation to City Council.
- 2.19) Applicant shall complete all curbing and sidewalk work along the Vaughan Street and Maplewood Avenue that fronts on the project site as well as along Raynes Avenue from Green Street to Vaughan Street.
- 2.20) Applicant shall complete all remaining curbing and sidewalk work within 2-years of the issuance of a final certificate of occupancy for the project.
- 2.21) The owner shall be responsible for ensuring that the stormwater quality treatment system is inspected annually by a qualified inspector and maintained to ensure the system performs as designed.

D. The application of **Great Rhythm Brewing Company, LLC, Applicant and Clipper Traders, LLC** for property located at **105 Bartlett Street** requesting a Conditional Use Permit in accordance with Sections 10.240 and 10.440 (#19.50) of the Zoning Ordinance to allow an Outdoor Dining or Drinking Area as an accessory use. Said property is shown on Assessor Map 157 as Lot 1 and lies within the Character District 4-W (CD4-W) District.

Voted to **postpone** the request to the June 20, 2019 Planning Board meeting.

E. The application of **Boston & Maine Corporation (Lot 4) and Iron Horse Properties, LLC, (Lot 4-2) Owners** for properties located off **Bartlett Street** and **Maplewood Ave** requesting a Lot Line Relocation to transfer 72,337 ± s.f. from Lot 4 to Lot 4-2. Said properties are shown on Assessor Map 164 as Lots 4 and 4-2 and lie within the Character District 4-LI (CD4-LI), Office Research (OR) and the Transportation Corridor (TC) Districts

- 1. The Board voted to **grant** Preliminary and Final Subdivision Approval (Lot Line Revision) with the following stipulations:

- 1.1) Lot numbers as determined by the Assessor shall be added to the final plat.
- 1.2) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
- 1.3) GIS data shall be provided to the Department of Public Works in the form as required by the City.
- 1.4) 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. ZONING AMENDMENTS – PUBLIC HEARINGS – NEW BUSINESS

A. The request of Revisit McIntyre, a New Hampshire nonprofit corporation, to amend the zoning for the property located at 62 Daniel Street, Map 106, Lot 8 (current Federal Building) from Character District 4 and Character District 5 (CD4 and CD5) to a Natural Resource Protection (NRP) District or Municipal (M) District or combination of both.

After a public hearing and discussion, the motion to recommend approval to the City Council **failed** unanimously. The Board did not recommend approval.

B. Petition by residents and homeowners of Chase Drive, Cutts Avenue, Forest Street, and Brigham Lane to reconsider the December 2017 decision to re-zone three properties located along Chase Drive and Cutts Avenue from Single Residence B (SRB) to Gateway Neighborhood Mixed Use Corridor (G2) and to re-zone the properties back to Single Residence B.

Voted to **postpone** the request to the June 20, 2019 Planning Board meeting.

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VI. CITY COUNCIL REFERRALS

A. Purchase of property identified as Assessor Map 232, Lot 3 located off Lois Street.

The Board unanimously voted to **recommend approval** of this land purchase to the City Council.

B. Purchase of 3.11 Acre property in Greenland, NH in Sanitary Protection Area of the Greenland Well.

The Board unanimously voted to **recommend approval** of this land purchase to the City Council.

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VII. OTHER BUSINESS

A. The application of **Eversource Energy** for property located at **280 Gosling Road** for the construction of a concrete transformer pad with a 5,440 s.f. ± footprint with related drainage and

associated site improvements. Said property is shown on Assessor Map 214 as Lot 2 and lies within the Waterfront Industrial (WI) District. This application originally received site plan review approval from the Planning Board at their February 2003 meeting with the stipulation that if this transformer pad was not installed within two years, it would come back to the Board for additional review

Review by the Board, no action necessary.

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VIII. ADJOURNMENT

It was moved, seconded, and passed unanimously to adjourn the meeting at 9:00 p.m.

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