

**REGULAR MEETING
PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

ACTION SHEET

7:00 PM

September 26, 2019

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

ALSO PRESENT: Juliet Walker, Planner Director; Jillian Harris, Planner I

MEMBERS ABSENT: Jody Record

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I. DETERMINATIONS OF COMPLETENESS

A. SUBDIVISION REVIEW

1. The application of **Cate Street Development, LLC, Owner**, for property located at **428 Route 1 Bypass, Cate Street, 55 Cate Street, 161 Cate Street and 1 Cate Street**, requesting Preliminary and Final Subdivision approval.

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 **Cate Street Development, LLC, Owner**, for property located at **428 Route 1 Bypass, Cate Street, 55 Cate Street, 161 Cate Street and 1 Cate Street**, requesting Site Plan Review approval.

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

II. PUBLIC HEARINGS – OLD BUSINESS

- A. The application of **Cate Street Development, LLC, Owner**, for property located at **428 Route 1 Bypass, Cate Street, 55 Cate Street, 161 Cate Street and 1 Cate Street**, requesting Preliminary and Final Subdivision approval to reconfigure six (6) lots comprised of 12.3 acres and an existing city right-of-way to three (3) lots equaling 10.1 acres in total with a new city right-of-way as follows: Assessor Map 163, Lots 33 and 34, Assessor Map 165, Lot 2, Assessor Map 172, Lot 1, Assessor Map 173, Lot 2 and Assessor Map 163, Lot 37 to become Proposed Parcel A consisting of 260,789 s.f. and 973 ft. of frontage on a new city right-of-way, Proposed Parcel B consisting of 126,500 s.f. and 226 ft. of frontage on U.S. Route 1 Bypass, Proposed Parcel C consisting of 56,421 s.f. and 443 ft. of frontage on a new city right-of-way and a new city right-of-way consisting of 139,622 s.f. Said properties are shown on Assessor Map 172 as Lot 1, Map 173 as Lot 2, Map 165 as Lot 2, Map 163 as Lot 33, Map 163 as Lot 34, and Map 163 as Lot 37 and lie within the Gateway Corridor (G1) District. LU #19-18.

The Board voted to grant Preliminary and Final Subdivision Approval with the following stipulations:

- 1) Any easement plans and deeds for which the City is a grantor or grantee shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by City Council.
- 2) Lot numbers as determined by the Assessor shall be added to the final plat.
- 3) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
- 4) GIS data shall be provided to the Department of Public Works in the form as required by the City.
- 5) The final plat shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
- 6) Prior to construction, the roadway plans shall be reviewed and approved by DPW prior to submission to the City Council for final approval.

- B. The application of **Cate Street Development, LLC, Owner**, for property located at **428 Route 1 Bypass, Cate Street, 55 Cate Street, 161 Cate Street and 1 Cate Street**, requesting an Amended Conditional Use Permit pursuant to Section 10.5B71.20 of the Zoning Ordinance to allow a density of 28 dwelling units per acre. 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.

The Board voted to grant Amended Conditional Use Permit approval with the following stipulations:

- 1) The proposed covenant that provides enforceable restrictions as to price and occupancy to ensure long-term availability and affordability of the units for a minimum of 30-years, shall be reviewed and finalized according to the requirements of the City, prior to issuance of a building permit.
- C. The application of **Cate Street Development, LLC, Owner**, for property located at **428 Route 1 Bypass, Cate Street, 55 Cate Street, 161 Cate Street and 1 Cate Street**, requesting Site Plan Review approval for the redevelopment of the properties into a mixed use development including: a 2-story building with a footprint of 21,980 s.f. and 21,980 Gross Floor Area of

retail space and 21,980 Gross Floor Area of office space; Proposed Residential Building A with 4-stories, 132 units, 33,615 s.f. footprint and 129,215 Gross Floor Area; Proposed Residential Building B with 4-stories, 118 units, 26,791 s.f. footprint and 104,415 Gross Floor Area; 13 Proposed Townhome Buildings with 8,640 s.f. total footprint and 25,920 total Gross Floor Area; and 10 Proposed Townhome Buildings with 11,440 total footprint and 34,320 Gross Floor Area; and 529 parking spaces with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 172 as Lot 1, Map 173 as Lot 2, Map 165 as Lot 2, Map 163 as Lot 33, Map 163 as Lot 34, and Map 163 as Lot 37 and lie within the Gateway Corridor (G1) District. LU #19-18.

The Board voted to grant Site Plan Review Approval with the following stipulations:

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

- 1) In the provided inspection and maintenance plan Appendix A “Invasive Plant Control” remove the section related to use of herbicides to control vegetation;
- 2) The applicant shall work with DPW to satisfactorily address any forthcoming comments from the Water System Analysis Report and Flow Assessment Report for final water and sewer sizes;
- 3) Third party inspection shall be required for all utilities and stormwater infrastructure installation (the third party agreement for these services shall be executed prior to issuance of a building permit);
- 4) Applicant shall contribute \$20,000 as a fair share contribution for a study on the potential realignment of Bartlett Street railroad bridge and related capital improvements to improve traffic congestion and flow at this location.
- 5) The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review by the relevant City Departments and approval by the City Manager.
- 6) The site plan, along with easement plans and deeds shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded by the City or as deemed appropriate by the Planning Department.
- 7) The plans shall be updated to reflect silt sock for erosion controls versus silt fence.
- 8) The applicant shall update the plans to include screening for apartment patios, as deemed appropriate by the Planning Department.

Conditions Subsequent (to be completed after the issuance of a building permit)

- 9) The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance.
- 10) Applicant shall install a 15’ section of water main on Cottage Street as part of the overall infrastructure improvements for this project to be coordinated with DPW.
- 11) Documentation of restrictions for residential patios as discussed by the Planning Board shall be provided to the Planning Department.

III. PUBLIC HEARINGS – NEW BUSINESS

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- A. The application of **Michael B. Myers and Stephanie G. Taylor, Owners**, for property located at **700 Middle Street**, requesting a Conditional Use Permit in accordance with Section 10.815 of the Zoning Ordinance for a Garden Cottage with a gross floor area of 760 +/- s.f. Said property is shown on Assessor Map 148 Lot 29 and lies within the General Residence A (GRA) District. LU #19-150. *[NOTE: Due to a Planning Department staff error, this was originally advertised as a Detached Accessory Dwelling, subject to the requirements of Section 10.814.]*

The Board voted to grant Conditional Use Permit approval as follows:

- 1) Vote to find that the application satisfies the requirements of 10.815.40.
 - 2) Vote to grant a modification from the following sections:
 - 1) Section 10.815.32 of the Zoning Ordinance – for approval of a Garden Cottage of 760+/- s.f. of gross floor area where 600 s.f. is the maximum allowed.
 - 2) Section 10.815.33 of the Zoning Ordinance – for windows/doors higher than eight feet above grade facing the adjacent property.
 - 3) Vote to grant the conditional use permit as presented, with the following stipulation:
 - 1) In accordance with Sec. 10.815.70 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. 10.815, including the owner-occupancy requirement, and shall renew the certificate of use annually.
- B. The application of **Kerrin J. Parker, Owner**, for property located at **86 Haven Road**, requesting a Conditional Use Permit in accordance with Section 10.814 of the Zoning Ordinance for an Attached Accessory Dwelling Unit (AADU) in the basement of the existing home. Said property is shown on Assessor Map 206 as Lot 27 and lies within the Single Residence B (SRB) District. LU #19-187.

The Board voted to grant Conditional Use Permit approval as follows:

1. Vote to find that the application satisfies the requirements of 10.814.60.
 2. Vote to grant the conditional use permit as presented, with the following stipulation:
 - 1) In accordance with Sec. 10.814.90 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.
- C. **WITHDRAWN** The application of **The Michael J. Quinn Revocable Trust, Owner** for property located at **55B Market 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 for two dwelling units over 750 s.f. Said property is shown on Assessor Map 106, Lot 25-02 and lies within the Character District 5 (CD5) District. LU #19-199. **WITHDRAWN**

The Board voted to accept withdrawal of the application.

IV. PRELIMINARY CONCEPTUAL CONSULTATION

- A. **WITHDRAWN Clipper Traders, LLC, Portsmouth Lumber & Hardware, LLC and Iron Horse Properties, LLC Owners, and Bartlett Street Lender, LLC, Applicant**, for properties located on **Bartlett Street** requesting Preliminary Conceptual Consultation of the proposal to construct three (3) 4-story apartment buildings with a total of 232 apartments with basement level parking and five (5) row house buildings with a total of 40 units and associated site improvements. Said properties are shown on Assessor Map 157, Lot 1, Map 164, Lot 4-2, Map 157, Lot 2-1, Map 164, Lot 1 and Map 157, Lot 2 and lie within the Office Research (OR) and Character District 4-W (CD4W) Districts. **WITHDRAWN**

The Board voted to accept withdrawal of the Conceptual Consultation.

V. ADJOURNMENT

The Board voted to adjourn the meeting at 7:59 pm.