

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

**Remote Meeting Via Zoom Conference Call**

to access by web <https://zoom.us/join>

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Meeting ID: 959 699 889

Password: 021228

Per NH RSA 91-A:2, III (b) the Chair has declared COVID-19 outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-5, and Executive Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

**7:00 pm**

**APRIL 9, 2020**

**MINUTES**

**MEMBERS PRESENT:** Dexter Legg, Chairman; Elizabeth Moreau, Vice-Chairman; Colby Gamester; Jay Leduc; Karen Conard, City Manager; Peter Whelan, City Council Representative; Ray Pezzullo, Assistant City Engineer; Jeffrey Kisiel; Jody Record; Corey Clark, Alternate

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

**MEMBERS ABSENT:** Polly Henkel, Alternate

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**I. APPROVAL OF MINUTES**

- A. Approval of Minutes from the February 20, 2020 and February 27, 2020 Planning Board Meetings

Mr. Gamester moved to approve the minutes from the February 20, 2020 and February 27, 2020 Planning Board Meetings, seconded by City Manager Conard. The motion passed unanimously.

**II. DETERMINATION OF COMPLETENESS**

**SITE PLAN REVIEW**

- A. The application of **DPF 1600 Woodbury Avenue, LLC, Owner**, for property located at **1600 Woodbury Avenue** requesting Amended Site Plan Review approval.

Mr. Gamester moved to determine that the above three applications are complete according to the Site Plan Review Regulations and to accept the applications for consideration, seconded by Mr. Kisiel. The motion passed unanimously.

- B. The application of **4 Amigos, LLC, Owner**, for properties located at **1400 Lafayette Road, Peverly Hill Road and 721 Peverly Hill Road** requesting Site Plan Review approval.

Mr. Gamester moved to determine that the above three applications are complete according to the Site Plan Review Regulations and to accept the applications for consideration, seconded by Mr. Kisiel. The motion passed unanimously.

- C. The application of **Nickerson Home Improvement Co. Inc.** and the **Linette and James Revocable Trust of 2000, Owners** and **Perley Lane, LLC, Applicant**, for properties located at **95 Brewster and 49 Sudbury Streets** requesting Site Plan Review approval.

Vice Chairman Moreau recused herself from this application.

Mr. Gamester moved to determine that the above three applications are complete according to the Site Plan Review Regulations and to accept the applications for consideration, seconded by Mr. Kisiel. The motion passed unanimously.

### 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 **DPF 1600 Woodbury Avenue, LLC, Owner**, for property located at **1600 Woodbury Avenue** requesting Amended Site Plan Review approval to demolition an existing building and upgrade the existing shopping center with new and additional signage, a new driveway entrance off of Woodbury Avenue, and repurposing of the former supermarket space to separate retail space and new grocery space with accessory cafe/food court. Said property is shown on Assessor Map 238 Lot 16 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.

Ms. Conard moved to hear Old Business Item A and New Business Items A, B, C, and D together and vote on them separately, seconded by Mr. Gamester. The motion passed unanimously. Vice Chairman Moreau recused herself for items B and D

### DISCUSSION AND DECISION OF THE BOARD

City Manager Conard moved to postpone this application to the April 16, 2020 Planning Board Meeting, seconded by Mr. Gamester. The motion passed unanimously.

### IV. PUBLIC HEARINGS – NEW BUSINESS

*The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

- A. The application of **4 Amigos, LLC, Owner**, for properties located at **1400 Lafayette Road, Peverly Hill Road and 721 Peverly Hill Road** requesting Conditional Use Permit approval for a Development Site according to the requirements of Section 10.5B40 of the Zoning Ordinance and Site Plan Review approval for the construction of a 53-unit Garden and Townhouse Style residential development consisting of 6 structures with a combined total footprint of 37,775 s.f. and 122,000 GFA with associated grading, lighting, utilities, stormwater management, landscape improvements and community space. Said properties are shown on Assessor Map 252 Lots 7, 4 & 5 and lie within the Gateway Neighborhood Mixed Use Center (G2) District.

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

City Manager Conard moved to postpone this application to the April 16, 2020 Planning Board Meeting, seconded by Mr. Gamester. The motion passed unanimously.

- B. The application of **Nickerson Home Improvement Co. Inc.** and the **Linette and James Revocable Trust of 2000, Owners** and **Perley Lane, LLC, Applicant**, for properties located at **95 Brewster and 49 Sudbury Streets** requesting Site Plan Review approval to demolish the existing structures and construct 3 dwelling units in two structures, with related grading, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor's Map 138 Lots 57 and 58 and lie within the General Residence C (GRC) District.

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

Vice Chairman Moreau recused herself from the application.

City Manager Conard moved to postpone this application to the April 16, 2020 Planning Board Meeting, seconded by Mr. Gamester. The motion passed unanimously.

- C. The application of **Millport Inc., Owner** and **Thomas Bath, Applicant**, for property located at **1001 Islington 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 and Drinking Area as an accessory use. Said property is shown on Assessor Map 172 Lot 4 and lies within the Character District 4-W (CD4W) District.

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

City Manager Conard moved to postpone this application to the April 16, 2020 Planning Board Meeting, seconded by Mr. Gamester. The motion passed unanimously.

- D. The request of **Clipper Traders, LLC, Portsmouth Hardware & Lumber, LLC and Iron Horse Properties, LLC, Owners**, for properties located on **105 Bartlett Street and Bartlett Street** for Design Review for the construction of 174 dwelling units in two (2) multi-family apartment buildings and one (1) mixed-use building with first floor office, amenity space and upper story apartments. The project will designate 25% of the proposed property as Community Space. Said properties are shown on Assessor Map 157 Lots 1 and 2, Map 164 Lots 1, 2 and 4-2 and lie within the Character District 4-W (CD4-W) and Character District 4-L1 (CD4-L1) Districts.

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

Vice Chairman Moreau recused herself from the application.

City Manager Conard moved to postpone this application to the April 16, 2020 Planning Board Meeting, seconded by Mr. Gamester. The motion passed unanimously.

## **V. PRELIMINARY CONCEPTUAL CONSULTATION**

- A. The request of **PNF Trust of 2013, 282 Middle Street, LLC and KC Realty Trust, Owners**, for properties located at **266, 270 and 278 State Street and 84 Pleasant Street** requesting Preliminary Conceptual Consultation for construction of a 4-story mixed-use building with basement level parking and reconstruction of 84 Pleasant St, with an addition and new driveway connection on Church Street. Said properties are shown on Assessor Map 107 Lots 77, 78, 79 and 80 and lie within the Character District \$ (CD4) District.

### **SPEAKING TO THE APPLICATION**

John Chagnon from Ambit Engineering and Architect Michael Keen spoke to the application. Mr. Chagnon commented that the site is made up of 4 lots on the corner of State St. and Pleasant St. One of the lots was the location of the State Street Saloon fire, so it is empty currently. The rear portion of 84 Pleasant St. will be removed. The Times building will be renovated. There will be a notch in the building on Church St. that will allow traffic to enter into an elevator to take them cars to the basement level parking. There is another notch on State St. and Pleasant St. to allow for light and a view on the ground level, but there will be building above it.

Mr. Keen commented that the architectural plan for State St. has been presented to the HDC, but the Pleasant St. property has not been included yet. The whole block will be presented to the HDC soon. The Times building will be restored to its original condition, except it will not be a split entry. The store front windows will change slightly as a result. The existing stairway to the upper levels will be removed. There will be a new entrance in the center of the three large arches. The new building on the two lots will have commercial space on the first floor. Then there will be three levels of residential units and a fourth-floor penthouse. This proposal has been to the BOA for a variance for the penthouse level story count and building height in feet. The variance was approved. The Church St. side will be restored. The lower level of the Church St. building will not have windows, but the brick will be indented to give that impression. The existing side door will be removed and will be replaced with a window. There is a proposed addition

on the back of 84 Pleasant St. It will add a garage door to access the parking level and overall stick with the historic design. There will be another short story on that building. Mr. Keen presented the elevations plan and further explained the parking. Cars would enter the parking elevator and all of the passengers would exit the vehicle. An automated parking system would take over after they enter a code. The vehicle would be lowered to the parking level and parked via a series of pallets and computerized conveyors. There would be no people in the parking level, and a drive aisle is not needed. When the passenger enters the code to retrieve the car it will come back turned around, so they don't have to back out of the garage. Based on preliminary consultations the garage can fit between 22 and 25 cars. That will be determined partially by the plan for shoring up the two walls on the Times building. There will be commercial space, mechanical systems, and garage entry on the first floor. The apartments above will be accessed on Pleasant St. The existing elevations in the Times building vary, so the elevator location is important because it will be able to be accessed on both sides. The conceptual apartment plans show 2-bedroom units in State St. and Pleasant St. areas and one-bedroom apartments in the Church St. addition. Overall there will be 17 dwelling units.

Vice Chairman Moreau questioned what would happen if someone needed to get something they forgot in their car because no people were allowed in the parking level. Mr. Keen responded that they would retrieve it as if they were going to take their car out then send it back. There will be a key card access at the first level with an ID for each car. Vice Chairman Moreau questioned if there were backups in place in case the power went out. Mr. Keen confirmed they would have backups to keep it running.

Mr. Gamester questioned where the generator would be located. Mr. Keen responded that it would be on the first floor in the mechanical spaces.

Chairman Legg questioned how trash disposal would be handled. Mr. Keen responded there would be a trash receptacle in the mechanical space and it would be pulled out to Church St. for pick up.

Chairman Legg commented that he was concerned about the entrance to the parking garage on Church St. It's a well-traveled narrow street, so cars pulling out of the garage will need to be careful. Chairman Legg questioned if they had thought about adding any warning signage. Mr. Keen responded that they have not gone into detail but recognize it's an issue. They are working with Walker Consultants who did the Fleet St. garage that had warning signs. This will have something similar.

Mr. Kisiel questioned if this parking garage was restricted on any vehicle size. Mr. Keen responded that at this point it is designed to accommodate the largest passenger vehicle. It won't fit an extended top handicap van, so that needs to be addressed. Mr. Kisiel questioned if these would be apartments or condos. Mr. Keen responded that they will most likely be apartments. Mr. Kisiel questioned if they had ideas of potential tenants for the first-floor commercial space. Mr. Keen responded that it could accommodate office, restaurant or retail.

Mr. Pezzullo commented that they will need space for grease traps if a restaurant went in. Mr. Keen responded that they have taken that into account. A grease trap will fit into the driveway cutout. Mr. Pezzullo commented that there may be different requirements for metering and billing if these were apartments vs. condos. That should be considered.

Mr. Kisiel questioned if the 4<sup>th</sup> floor balcony would be for the building or just that unit. Mr. Keen responded that both roof patios would be dedicated to the apartment adjacent to them. There will not be any general access.

Vice Chairman Moreau appreciated that they opened up the corner at State St. and Pleasant St. The Times building looks good. As a whole the time put into this project was worth it and the project is good.

Chairman Legg questioned what the parking code required for 17 units. Mr. Chagnon responded that this was in the Downtown Overlay District, so no parking was required by code. Chairman Legg commented that it would be good to confirm at the next presentation. Overall it is a very good project. Ms. Walker commented that she believed it's 1.3 spaces per unit in the Downtown Overlay District and they would get a credit of 4. Mr. Keen commented that it was a residential and office building before and there was some grandfathering of no parking required as long as they stayed under the original unit count. Ms. Walker noted that may be the case. It needs to be reviewed. This was a site with a serious fire and there was a lot of discussion about the grandfathering statuses.

Mr. Gamester questioned if there would be any issues with tandem parking requirements with this type of parking. Ms. Walker responded that there were requirements for tandem parking so that would need to be reviewed by Staff to provide more clarity for the Board. Mr. Keen commented that this is all automated. If a car is buried in the back corner, then a computer shuffles the cars automatically. Chairman Legg commented that it was an innovative approach.

Mr. Gamester questioned if any special consideration needs to be taken for the party wall. Mr. Keen responded that they have not reviewed that too much yet. The existing party wall would stay to the extent that it is there and then they would build over the top from there.

The Board determined that the Preliminary Conceptual Consultation is complete.

## VI. OTHER BUSINESS

- A. Request of the **Islamic Society of the Seacoast Area, Owner**, for property located at **686 Maplewood Avenue** for a 1-year extension of the Site Plan Review Approval that was granted on April 18, 2019.

Mr. Gamester moved to **grant** a 1-year extension to expire on April 18, 2021, seconded by Mr. Kisiel. The motion passed unanimously.

- B. Request of **City of Portsmouth, Owner** and **Department of Public Works, Applicant**, for property located at Banfield Road for a 1-year extension of the Wetland Conditional Use Permit Approval that was granted on April 25, 2019.

Ms. Record moved to grant a 1-year extension to expire on April 25, 2021, seconded by Vice Chairman Moreau. The motion passed unanimously.

- C. Request by **Bryan C. Pappas**, Owner of property located at 2 Brackett Lane to release any City interest in an adjacent property listed as **Assessor Map 206, Lot 1** and located between Brackett Lane and Haven Road.

Ms. Walker commented that any request like this has to come to the Planning Board. A lot of these types of requests would require a lot of land research to see if the City has any interest. Typically, the recommendation is to release any interest in the land. Then the property owner has the burden to see if the City has any interest or if there was any other interest. This is a tiny sliver of land that was probably a remnant parcel that was never incorporated. The City doesn't see any reason to retain interest in the land.

Mr. Kisiel moved to **recommend** that the City Council release any City interest in land identified as Assessor Map 206, Lot 1, seconded by Ms. Record. The motion passed unanimously.

- D. Request of **Cate Street Development, LLC, Owner**, for property located at 428 US Route 1 By-Pass for a 1-year extension of the Wetland Conditional Use Permit that was granted on March 21, 2019.

Mr. Gamester moved to grant a 1-year extension to expire on March 21, 2021, seconded by Ms. Record. The motion passed unanimously.

- E. Request of **Cate Street Development, LLC Owner**, for property located at 428 US Route 1 By-Pass for a 1-year extension of the Conditional Use Permit granted pursuant to Section 10.5B71.20 of the Zoning Ordinance on March 21, 2019 and amended on September 26, 2019 to allow a density of 28 dwelling units per acre and requested modifications to standards

Mr. Gamester moved to grant a 1-year extension to expire on March 21, 2021, seconded by Ms. Record. The motion passed unanimously.

Chairman Legg noted that they will hear the presentations for the postponed applications on April 16, 2020. Then they will have a separate meeting to hear the public hearing comments for those presentations. This will give the public the opportunity to hear the presentations and respond if they want to. The agendas will be shorter, and they may need to meet more frequently.

Ms. Record questioned how soon after the meeting will it be available to the public for viewing. Ms. Walker responded that this was a live broadcast on channel 22, Zoom and the City of Portsmouth YouTube channel. It is also available immediately afterwards on YouTube.

Mr. Gamester questioned if they would accept revisions by the applicant between the first board presentation and the public hearing meetings or if it should remain static between meetings. Ms. Walker commented that there should not be any changes unless the Board asks for changes to be made. Ms. Walker confirmed that she would review with the Legal Department to confirm what the correct process would be.

**VII. ADJOURNMENT**

Mr. Gamester moved to adjourn the meeting at 7:58 p.m., seconded by Mr. Kisiel. The motion passed unanimously