

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

JUNE 18, 2015

MEMBERS PRESENT: John Ricci, Chairman; Elizabeth Moreau, Vice Chairman; Jack Thorsen, City Council Representative; William Gladhill, Colby Gamester, Jay Leduc; Michael Barker; and Justin Finn, Alternate

MEMBERS EXCUSED: David Allen, Deputy City Manager; Robert Marsilia, Building Inspector

ALSO PRESENT: Rick Taintor, Planning Director & Jessa Berna, Associate Planner

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the May 21, 2015 Planning Board Meeting – The minutes were unanimously approved.

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II. PUBLIC HEARINGS – OLD BUSINESS

A. The application of **North End Properties, LLC, Owner, and Deer Street Development Company, Inc., doing business in NH as Harborcorp of Portsmouth, Applicant**, for property located on **Russell Street, Deer Street and Maplewood Avenue**, requesting Site Plan Approval for a proposed 5-story mixed use development with a footprint of 72,600 ± s.f. and gross floor area of 352,736 ± s.f., including a hotel/event center with 24,000 s.f. of event center space and 97 hotel rooms, 23 residential condominiums, a 44,169 s.f. of retail, and 523 parking spaces (382 spaces in a garage structure and 141 below-grade spaces serving the retail use); with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 125 as Lot 21, Assessor Map 118 as Lot 28 and Assessor Map 124 as Lot 12, Assessor Map 119 as Lot 1-1A, Assessor Map 119 as Lot 1-1C and Assessor Map 119 as Lot 4 and lies within the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District. (This application was postponed at the May 21, 2015 Planning Board Meeting.)

Vote to grant site plan approval subject to the following stipulations:

- A. Plan Set: The approved site plan consists of 65 drawings submitted on June 9, 2015, including the 32 sheets designated “(NS)” and not including the 32 sheets designated “(S)”.
- B. Conditions Precedent (to be completed prior to the issuance of a building permit):
 1. The site plan shall be modified as follows:
 - (a) Sheet C-3.1 – Pavement Marking and Signage Plan:
 - (1) Relocate the “(Bikes) May Use Full Lane” sign on Deer Street, just south of the new WFM entrance driveway, to a position in front of the tree planter;
 - (2) Eliminate the lane use sign (No. 4) just west of the Deer Street / Russell Street intersection because it will operate as one wide lane upon opening;
 - (3) Install a “(Bikes) May Use Full Lane” sign on Russell Street northbound and southbound, just south of the new garage entrance, where bikes have shared lane accommodations;
 - (4) Adjust the location of the bus stop signs and/or the direction of the arrows at the southerly end of the four retained parking stalls on the west side of Russell Street (just south of Green Street).
 - (b) Sheet C-3.3 – Market Street Roundabout Schematic:
 - (1) Change note regarding temporary construction easement to “Provide temporary construction easement area as determined necessary by the City for roundabout construction.”
 - (2) Change two notes regarding “land rights required for roundabout development to “Provide land in fee or permanent easements as determined necessary by the City to be required for roundabout construction.
 - (c) Sheet C-6.0 – Utility Plan:
 - (1) In the note reading “8” tapping sleeve and valve (by others)” add the words “cost to be paid by applicant.”
 - (2) In the note pointing to the grease trap at the service drive near the Maplewood Ave. entrance, change the wording from “Future grease trap if required” to “1,000 gal. (min.) grease trap” (i.e., grease trap shall be installed with initial construction and not deferred to the future).
 2. The applicant shall review the following site plan modifications with DPW and Planning Department staff and shall modify the plans if staff determines appropriate:
 - (a) Sheet C-3.1 – Pavement Marking and Signage Plan:
 - (1) Introduce dashed white edge line markings on Russell Street southbound to provide positive guidance for drivers to taper away from the formal bike lane;
 - (2) Add ‘STOP’ pavement markings in advance of the stop lines exiting the garage facility and adjust the arrows accordingly. The sizing of the pavement arrows should be similar to NHDOT standards.
 3. The applicant shall modify the detail for an Interior Bike Rack (as shown on Sheet L2.0 and building plans) to provide a more robust multi-stall commercial rack unit that can accommodate a greater number of bikes in a secure area(s). The applicant shall clarify

intended users and access policies for this bike storage location and how it will ultimately complement the applicant's transportation demand management (TDM) measures. This shall be subject to review and approval by the Planning Department.

4. The applicant shall coordinate with DPW for a specific material and color for application within the proposed intersection bike box on Maplewood Avenue and other roadway markings.
5. The applicant shall provide (a) a traffic signal design plan for the intersection of Maplewood Avenue and Deer Street and (b) a coordination timing plan for the Maplewood Avenue corridor between State Street and Deer Street for DPW review and approval.
6. The applicant shall apply for and obtain connection permits from the Department of Public Works for stormwater, sanitary sewer and water.
7. The applicant shall enter into an agreement with the City to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on the site.
8. The applicant shall enter into an agreement with the City to pay for the services of a hydrogeologist, to be selected by the City, to monitor hydraulic levels on the site during construction.
9. All land transfers and easements shall be executed and recorded in the Rockingham Registry of Deeds.
10. The Planning Board letter of decision and the following plans shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department:
 - Sheet C-2.3 – Land Transfer and Easement Plan
 - Sheet C-2.4 – Lot Consolidation Plan
 - Sheet C-3.0 – Site Layout Plan
 - Sheet L-1.0 – Landscape Plan
11. The applicant shall make the following monetary contributions for off-site traffic mitigation as stated in the "Response to TEC Traffic & Parking Engineering Peer Review Comments" letter dated February 17, 2015:
 - (a) A \$50,000 fair share contribution for improvements to the intersection of Market Street and Russell Street (which shall be in addition to the required land transfers and easements as shown on the site plan).
 - (b) A \$25,000 fair share contribution for future improvements at the Maplewood Avenue railroad crossing.

12. The applicant shall make the following monetary contributions for community benefits as stated in the Historic District Commission's decision approving a Conditional Use Permit for increased building height:

- (a) A \$50,000 contribution for artwork to be installed in the public plaza at the intersection of Deer and Russell Streets
- (b) A \$20,000 contribution for work to preserve and repair the stone retaining wall at the historic Old North Cemetery.

C. Conditions Subsequent (to be completed prior to the issuance of a certificate of occupancy for any component of the development):

13. At least 6 weeks prior to opening of the proposed supermarket and/or the hotel and convention center, and at least 3 weeks prior to scheduled events for more than 750 attendees, the applicant shall submit a detailed traffic and parking management plan for review and approval by the Planning Department, DPW, and the Portsmouth Police Department, including:

- Location and duration of the planned event and number of planned attendees;
- Location of off-site parking (employee, patron, or both)
- Logistical considerations and routing/headways for planned shuttle connections, if appropriate;
- Marketing materials or links to demonstrate preferred patron arrival route via Market Street;
- Location of off-site variable message signs, parking flaggers, or other traffic control devices or barricades, if warranted;
- Need for bagged meters and special signs for additional bus staging areas adjacent to the proposed COAST bus stop near the convention center entrance;
- Strategy for contingency parking and routing.

14. The applicant shall submit for approval by the Planning Department specific, measurable actions to reduce the use of single-occupancy vehicles to build upon the list provided in the applicant's 6/9/15 response to comment No. 11 as part of the Transportation Demand Management (TDM) plan. This information is likely to be most appropriate as the prospective tenants prepare for marketing, staffing, and occupancy. At a minimum, the applicant should work with their tenants to join the CommuteSMART Seacoast Transportation Management Association (TMA) and coordinate employee and patron activities to enhance the implementation of the TDM commitments.

15. The applicant shall provide a truck routing exhibit that will be used with regional vendors showing Market Street as the preferred route from I-95. This shall also be displayed within the loading dock areas.

D. Conditions Subsequent (to be completed prior to the final release of site plan security):

16. The applicant's traffic engineer shall provide post-occupancy studies that provide the following information and analysis:

- (a) Traffic data for site trip generation at each access point;

- (b) Traffic data and analysis for the intersection of Russell Street / Deer Street that evaluates the warranting condition for a one-way versus all-way stop condition;
- (c) Parking utilization study of the WFM parking level and the upper levels of the parking garage (including quantification of spaces available for public parking on each level);
- (d) Summary of TDM initiatives implemented and their overall effectiveness;
- (e) Narrative and data related to parking accommodations for major events.

The studies shall be conducted under normal conditions as well as during at least one major hotel event, and shall be reported at the following points:

- (1) 6 months after full occupancy;
- (2) 1 year after full occupancy; and
- (3) 2 years after full occupancy.

The results shall be reviewed by the Planning Department and DPW and reported to the Planning Board. If, following its review of a required post-occupancy study, the Planning Board determines that any refinements to the approved traffic control infrastructure, parking operations plan, or TDM measures are necessary, the applicant shall implement such refinements as required by the Board.

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B. The application of **Moray, LLC, Owner**, for property located at **235 Commerce Way**, and **215 Commerce Way, LLC, Owner**, for property located at **215 Commerce Way**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots which are currently shown on Assessor Map 216 as Lots 1-8A and 1-8B and Assessor Map 213 as Lot 11. The applicant proposes to merge Map 216 Lot 1-8A and Lot 1-8B into Map 216 Lot 1-8A, and to revise the lot line between Map 216 Lot 1-8A and Map 213 as Lot 11 as follows:

- a. Map 216 Lot 1-8A (136,490 s.f.) merged with Lot 1-8B (196,876 s.f.) increasing in area from a total of 333,366 s.f. to 384,402 s.f. with continuous street frontage on Portsmouth Boulevard and Commerce Way.
- b. Map 213 Lot 11 decreasing in area from 290,077 s.f. to 239,040 s.f. with continuous street frontage on Portsmouth Boulevard and Dunlin Way.

Said lots lie within an Office Research (OR) District which requires a minimum lot size of 3 acres and 300 ft. of continuous street frontage. (This application was postponed at the May 21, 2015 Planning Board Meeting.)

Voted to **postpone** to the July 16, 2015 Planning Board Meeting.

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C. The application of **Moray, LLC, Owner**, for property located at **235 Commerce Way**, and **215 Commerce Way, LLC, Owner**, for property located at **215 Commerce Way**, requesting Site Plan Approval for a proposed 4-story office building with a footprint of 28,125 ± s.f. and gross floor area of 112,500 ± s.f., and 640 parking spaces serving the proposed building and an adjacent existing office building (including a parking deck with 161 spaces below grade), with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 216 as Lots 1-8A and 1-8B and lies within the Office Research (OR) District. (This application was postponed at the May 21, 2015 Planning Board Meeting.)

Voted to **postpone** to the July 16, 2015 Planning Board Meeting.

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III. PUBLIC HEARINGS – NEW BUSINESS

A. Proposal to amend the Zoning Ordinance and Zoning Map to implement Character-Based Zoning in the North End, to revise various provisions of Article 5A – Character Districts, and to make conforming amendments to other sections of the Zoning Ordinance. (This matter was referred to the Planning Board by the City Council on April 20, 2015.)

Voted to **postpone** to the July 16, 2015 Planning Board Meeting.

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B. The application of **Micronics, Inc., Owner**, and **City of Portsmouth, Applicant**, for property located at **200 West Road**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within an inland wetland and wetland buffer to provide drainage improvements to convey the stormwater by replacing the undersized 30” culvert with two 30” culverts and dredging a portion of the wetland to convey the flows, with 3,900 ± s.f. of impact to the wetland buffer and 4,600 ± s.f. of impact to the wetland. Said property is shown on Assessor Plan 267 as Lot 22 and lies within the Industrial (I) District.

Voted to **grant** Conditional Use Permit Approval.

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C. The request of **Portsmouth Land Acquisitions, LLC, Owner**, for property located at **428 U.S. Route 1 By-Pass, property off Cate Street and 55 Cate Street**, for Design Review under the Site Plan Review Regulations, for a proposed mixed use development consisting of 288 dwelling units and 40,000 s.f. of commercial space in 3 buildings, 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, and Map 163 as Lots 33, 34 and 37, and lie within the Industrial (I) District, the Office Research (OR) District, and the Municipal (M) District.

Voted that the Design Review process had ended.

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D. The application of **Chinburg Developers, LLC, Owner**, for property located at **1163 Sagamore Avenue**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer for demolition of an existing clubhouse and construction of 11 residential units including a private accessdrive, stormwater/drainage structures and sewer upgrade along Sagamore Avenue, with 9,682 ± s.f. of total impact to the wetland buffer (7,295 ± of impact for on-site improvements, 649 ± for off-site stormwater/drainage structures and 1,738 ± for off-site sewer improvements along Sagamore Avenue). Said property is shown on Assessor Plan 224 as Lot 17 and lies within the Mixed Residential Office (MRO) District.

Voted to **postpone** to the July 16, 2015 Planning Board Meeting.

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E. The application of **Hillcrest at Portsmouth, LLC, Owner**, for property located at **3201 Lafayette Road**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within an inland wetland to install five new manufactured homes at the following addresses: 429 Striped Bass Avenue (with proposed garage and paved driveway expansion), 229 Mackerel Avenue (with proposed shed and paved driveway expansion), 150 Codfish Corner Road (with proposed garage and paved driveway expansion), 180 Codfish Corner Road (with proposed garage, proposed shed and paved driveway expansion), 171 Codfish Corner Road (with proposed shed and paved driveway expansion), with 25,038 ± s.f. of total impact to the wetland. Said property is shown on Assessor Plan 291 as Lot 7 and lies within the Gateway (G), Garden Apartment/Mobile Home (GA/MH) and Rural (R) Districts.

Voted to **postpone** to the July 16, 2015 Planning Board Meeting.

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F. The application of **Eversource (formerly Public Service Company of New Hampshire), Owner**, for property located on **Borthwick Avenue, 445 Route 1 By-Pass, and Barberry Lane; Northern Utilities, Inc., Owner**, for property located at **139 Barberry Lane; HCA Health Services of NH, Inc., Owner**, for property located on **Borthwick Avenue**; and **the City of Portsmouth, Owner**, for property located on **Borthwick Avenue**, requesting an amendment to a previously approved Conditional Use Permit approved by the Planning Board on November 20, 2014 under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to (1) construct a 10,000 ±_s.f., 10' x 10' , gravel switch yard with associated equipment and structures, 8' chain-link fence, gravel access way, retaining wall and paved driveway apron and (2) install a 2,250 ±_linear foot 115 kV transmission line with a 90' wide path. Said amendment requests the installation of an additional 25' tall riser pole and a separate fourth underground conduit to be used for emergency back-up, with 10 ± s.f. of additional permanent impact to the inland wetland buffer. Said properties are shown on Assessor Plan 234 as Lots 1, 2, 3, 7-4A, 7-7, and 7-3 and lie within the Office Research (OR) District and Municipal (M) District.

Voted to **grant** Conditional Use Permit Approval, subject to the same stipulations of the original approval.

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G. The application of **Lonza Biologics, Applicant**, for property located at **101 International Drive**, requesting Site Plan Approval for the expansion of the existing facility including exterior improvements that include a mezzanine with cooling towers, concrete pads for four transformers, one generator and one future generator, one control house, one nitrogen tank, one compactor pad, electric duct bank and two electric manholes, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 305 as Lot 6 and lies within the Pease Airport Business & Commercial (ABC) District.

Voted to **recommend Site Plan Approval** to the Pease Development Board of Directors.

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IV. CITY COUNCIL REFERRALS/REQUESTS

A. Letter from Fr. Robert J. Archon, Saint Nicholas Greek Orthodox Church, regarding St. Nicholas Greek Orthodox Church Back Lot – Tax Map 229, Lot 6-A.

Voted that Ledgewood Drive be accepted as a City Street.

Voted to defer further action until a Site plan is in place.

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B. Letter from the Michael J. Decristofaro Revocable Trust 2015, Michael J. Decristofaro, Trustee, requesting that the City accept as a donation a 6.6 acre parcel of land which abuts the Rye Town line and is very close to the Greenland Town line (Assessor Map 296, Lot 2)..

Voted to recommend to the City Council that the City accept this land donation.

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V. OTHER BUSINESS

A. The request of Commerce Way, LLC, Owner, for property known as Commerce Way (Assessor Map 215, Lot 1 and 1-1) for a one year extension of Conditional Use Permit approval granted by the Planning Board on June 19, 2014.

Voted to grant a one year extension of the Conditional Use Permit Approval.

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B. The request of the Clifton L. Wentworth Revocable Trust of 2002, Owner, for property located at 246 Jones Avenue (Assessor Map 221, Lot 6) for a one year extension of Conditional Use Permit approval granted by the Planning Board on June 19, 2014.

Voted to grant a one year extension of the Conditional Use Permit Approval.

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VI. PLANNING DIRECTOR'S REPORT

A. Master Plan – A work session is scheduled for next Thursday, June 25th at 7pm.

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VII. ADJOURNMENT

A motion to adjourn at 10:44 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board