

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

JUNE 16, 2016

MEMBERS PRESENT: John Ricci, Chairman; Elizabeth Moreau, Vice Chairman; Nancy Colbert-Puff, Deputy City Manager; David Moore, Assistant City Manager; William Gladhill; Colby Gamester; Jay Leduc; Dexter Legg and Jody Record, Alternate

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

MEMBERS ABSENT: Rebecca Perkins, City Council Representative;

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WORK SESSION WITH PORTSMOUTH LISTENS ON MASTER PLAN

John Tabor, co-chairman of Portsmouth Listens said 125 people were involved in the study circles and many gave input to the consultants. They asked participants to review the draft document, and there were two groups that met to review and deliberate on the document.

Michael Rodriguez Torrent from Group A said there was a good mix of knowledge and experience in the process, and the scope of the work was regarding the themes. He felt there was strong agreement on the themes of the Master Plan. They differed, though, in some of the details on how to address the themes. There was some general feedback that applied to all of the themes, and he went through those first.

Mr. Rodriguez Torrent said that Group A stressed the importance of communication, and they would love to see that continue. They would like to find new ways to interact with the city and more ways to create dialogue. He said they suggested more balance between all of the themes. Since the last master plan focused on the revitalization of the downtown, some of the other areas were lacking. He said Group A stressed the importance of neighborhoods. People felt the downtown gets overemphasized, and resources should go to other neighborhoods too. He said that scale was an important aspect of the Plan.

People felt good about the language in the document, but it could be strengthened in some areas. They would like to see it be more declarative in some areas. Maybe implementation was beyond the scope of the document, but people would like to know how implementation would be achieved. Regional coordination and the idea of co-planning with other communities to not duplicate efforts was also suggested.

Mr. Rodriguez Torrent then presented the group's feedback regarding each of the themes in the Master Plan.

Regarding the Vibrant theme, they liked the mix of industries and support for arts and culture, but they would change the term "mixed use" for clarification. They would emphasize areas outside of the downtown. They suggested not characterizing arts venues as "thriving", because they might then get ignored, and he said he thought that was a mischaracterization. People wanted to see mention of a sharing economy, like an empty space policy, to allow for making use of space that can be filled temporarily. He noted that other cities have policies on that. People wanted to see mention of when development was to occur, and there should be consideration of impact of development on adjoining areas. They would like to see collaboration with adjacent towns on trails.

Regarding the Authentic theme, they liked the consideration of view corridors. There should be respect for historic architecture and a desire to maintain a maritime feel or history of the city. He offered some comments on what they would change, and suggested they consider other aspects of authenticity besides history. The city would continue to evolve, so this should not just be about where we came from, but about more. He said that changing demographics and experiences would bring an important aspect to this. They would change the emphasis of scale mentioned. There was some disagreement on what people wanted the city to look like. People liked the support of a working port, so strengthen the language around that. They suggest rewording section Goal 2.3 to improve accessibility, and the wording was in the report, he said.

Regarding the Diverse theme, they liked this, and Group A considered it the most important theme. They liked the focus on housing diversity and inclusion of a mix of economic diversity. They would not overemphasize housing density, as density was not the only way to achieve diversity. Consider retaining space and breathability between buildings. Strengthen language about developers contributing to the city in terms of public space. There was disagreement in the group regarding incentives for developers and the maximum height limits. The group suggested they add incentives for building outside of the urban core and housing in business districts, and they mentioned the possibility of block grant funds.

For the Connectedness theme, they liked the support for water based transportation and parking studies. They suggested strengthening the language to make it more action oriented.

The Resilient theme section stated the problem well. They would suggest referring to balancing managed and wild spaces. That concluded Mr. Rodriguez Torrent's presentation of Group A.

Susan McClure representing Group B thanked the members of the Board and the members of Portsmouth Listens. They had a diverse group from all over Portsmouth, and she read the top votes from the report.

Regarding Vibrant, she said some people said the arts were just existing. Artist space need not be confined to just the West End. She said the group suggested adding a process to protect views and important buildings.

They struggled with the name of the Authentic theme, and asked themselves what this term really meant. They suggested Authentic be replaced with Identity or Character, which equaled interesting style and design. They wanted quality of design and materials. Modern design would be ok, but not short cuts like fake brick.

For the Diverse theme, they suggested keeping the integrity of the neighborhoods and to consider traffic studies.

For Connected, the group said it was important to create walkable and bikeable paths; provide transportation like a shuttle or trolley; create a transportation center; revise parking garage parking fees and leases.

Regarding the Resilient theme, she said they suggested the City pursue cleanup of contaminated sites and minimize administering of poisons like weeding and pest controls.

Questions from the Board:

Mr. Leduc asked Mr. Rodriguez Torrent a question regarding attention to the downtown. He said there were a lot of projects in that area, and would they encourage an incentive based development in other parts of the city. Mr. Rodriguez Torrent said it was more directed at residential development and adding more mixed use development on other neighborhoods. He said there had been some disagreement about that. Also, neighborhoods should be able to decide about what kind of character they want.

Someone suggested relieving the housing pressure downtown. Ms. McClure said there was only a finite amount of land in the downtown and it was a desirable area to live. Maybe down Lafayette Road there would be more space to build higher, if there existed transportation to support big housing developments.

Mr. Leduc said there were a lot of ideas of what Portsmouth is, and he asked the two group representatives what was the group consensus of what Portsmouth is and if there was discussion around that. Ms. McClure said people come to Portsmouth to have the more urban experience. It was desirable because it was walkable, there was entertainment, and there was a lot to do. Mr. Rodriguez Torrent said it was an arts hub, a jobs hub, and entertainment hub.

Mr. Gladhill asked Mr. Rodriguez Torrent about transportation, and Mr. Rodriguez Torrent said the document mentioned a water taxi and a ferry. Mr. Leduc asked if they were discouraging use of Uber, and Mr. Rodriguez Torrent said they felt it was the way of the future.

Mr. Gladhill asked, regarding individuality of different neighborhoods in town, if there were any ideas on how they wanted to protect the character of their neighborhoods. Ms. McClure said the city was walkable and bikeable, and if neighborhoods get chopped up, then the neighborhoods become isolated, and would no longer be safe to bike to the downtown. There was a need for a path for a connectivity. They discussed scale of housing being developed, and Mr. Rodriguez Torrent commented that neighborhoods are going to change over time.

Vice Chairman Moreau asked what their opinion was on large plaza development and mixed use. Ms. McClure said it would not be a problem if there was transportation. Vince Lombardi of 75 Aldrich road said it was a good idea to have that type of mixed use space. Mr. Rodriguez Torrent said their group spoke of adding residential to commercial space, but not so much adding commercial to residential areas. A lot of the Master Plan was about a learning process. Jeffry Cooper said Southgate met the criteria for people wanting to walk to restaurants and other businesses. The art overlay district could extend into the corridor districts. He said if the artists got priced out, they would move out. He stressed they should keep the arts in Portsmouth and not to let the artists get priced out.

John Tabor said he wanted to thank all the facilitators and other participants.

Ms. McClure asked why all the workforce housing had to be on Portsmouth’s shoulders. Since all the surrounding towns used Portsmouth resources, she asked why Portsmouth could not lean on some other communities. Vice Chairman Moreau clarified the definition of workforce housing and stated that the City had no authority in other communities. Mr. Taintor said all the communities of the state are under an obligation to provide more affordable housing, and the cost of land was what the starting point was. He said it was based partly on the demographics of each community. He commented that Portsmouth did a good job in providing options for buildings, and stated that allowing density did not necessarily turn into affordability.

Vice Chairman Moreau thanked everyone for their participation. The work session adjourned at 6:56 p.m.

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I. APPROVAL OF MINUTES

- 1. Approval of Minutes from the May 19, 2016 Planning Board Meeting.

Vice Chairman Moreau moved to approve the May 19, 2016 minutes, and Mr. Gamester seconded. The motion passed unanimously.

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Mr. Legg moved to take Items A and B under Public Hearings - Old Business and Item A under New Business out of order for the purpose of postponement, and Mr. Gladhill seconded. The motion passed unanimously.

The Chair read the application for property located at 2839 Lafayette Road, Item A under Public Hearings – Old Business into the record.

Vice Chairman Moreau moved to postpone Item A under Old Business, the application for property located at 2839 Lafayette Road, until the July Planning Board meeting, and Mr. Legg seconded. The motion passed unanimously.

The Chair read the application for property located at 599 Lafayette Road, Item B under Public Hearings – Old Business into the record.

Vice Chairman Moreau moved to postpone until the July 2016 Planning Board meeting, Item B under Old Business, the application for property located at 599 Lafayette Road, and Mr. Legg seconded. The motion passed unanimously.

The Chair read the application for property located at 250 Northwest Street, Item A under Public Hearings – New Business into record.

Mr. Gladhill moved to postpone under Public Hearings – New Business the application for property located at 250 Northwest Street. Mr. Gamester seconded, and the motion passed unanimously.

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II. DETERMINATIONS OF COMPLETENESS

A. Subdivision:

- 1) The application of **Natan Aviezri Revocable Trust, Owner, and Debra Klein and Natan Aviezri, Trustees, Applicants**, for property located at **75 Monroe Street**, and **Kathleen M. Toivanen Revocable Trust, Owner, and Kathleen Toivanen, Trustee, Applicant**, for property located at **190 Middle Road**, wherein Preliminary and Final Subdivision (Lot Line Revision) was requested.

Vice-Chairman Moreau made a motion to determine that the application is complete according to Preliminary and Final Subdivision Rules and to accept it for consideration. Mr. Gladhill seconded. The motion passed unanimously.

- 2) The application of **Richard P. Fusegni, Owner**, for property located at **201 Kearsarge Way**, requesting Preliminary and Final Subdivision Approval.

Vice-Chairman Moreau made a motion to determine that the application is complete according to Preliminary and Final Subdivision Rules and to accept it for consideration. Mr. Gladhill seconded. The motion passed unanimously.

B. Site Plan Review:

- 1) The application of **Alden Properties, LLC, Owner**, for property located at **33 Columbia Street and abutting vacant lot**, requesting Site Plan Approval.

Vice-Chairman Moreau made a motion to determine that the application is complete according to Site Plan Regulations and to accept it for consideration. Mr. Gladhill seconded. The motion passed unanimously.

- 2) The application of **Terry Bennett, Owner, and 211 Union Street, LLC, Applicant**, for property located at **211 Union Street**, requesting Site Plan Approval.

Vice-Chairman Moreau made a motion to determine that the application is complete according to Site Plan Regulations and to accept it for consideration. Mr. Gladhill seconded. The motion passed unanimously.

- 3) The application of **Strawbery Banke, Inc., Owner**, for property located on **Washington Street (aka 14 Hancock Street)**, requesting Amended Site Plan Approval.

Vice-Chairman Moreau made a motion to determine that the application is complete according to Site Plan Regulations and to accept it for consideration. Mr. Legg seconded. The motion passed unanimously.

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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 would be deemed waived.*

A. The application of the **Scott Mitchell, Owner**, and **Meredith Village Savings Bank, Applicant**, for property located at **2839 Lafayette Road**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer for the demolition of two existing buildings and the construction of a proposed 70’ x 46’ bank building with drive-thru, with 4,010 ± s.f. of impact to the wetland buffer. Said property was shown on Assessor Map 286 as Lots 18 & 19 and lie within the Gateway (G) District. (This application was continued from the May 16, 2016 Planning Board Meeting.)

This application was postponed to the next Planning Board Meeting (See above).

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B. The application of **599 Lafayette, LLC, Owner**, for property located at **599 Lafayette Road**, requesting Site Plan Approval for the construction of a 772 s.f. 1-story drive-thru Aroma Joe’s coffee shop, revision of the existing parking and circulation layout, and relocation of dumpsters, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property was shown on Assessor Map 229 as Lot 8 and lies within the Gateway (G) District. (This application was continued from the May 16, 2016 Planning Board Meeting.)

This application was postponed to the next Planning Board Meeting (See above).

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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 would be deemed waived.*

A. The application of **Christian Shore Condominium Association, Owner, and Brian Blanchette, President, Applicant**, for property located at **250 Northwest Street**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer for the restoration of three sections of an existing retaining wall, with 450 ± s.f. of impact to the tidal wetland buffer. Said property was shown on Assessor Map 122 as Lot 4 and lies within the General Residence A (GRA) District.

This application was postponed to the next Planning Board Meeting (See above).

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B. The application of **Natan Aviezri Revocable Trust, Owner, and Debra Klein and Natan Aviezri, Trustees, Applicants**, for property located at **75 Monroe Street**, and **Kathleen M. Toivanen Revocable Trust, Owner, and Kathleen Toivanen, Trustee, Applicant**, for property located at **190 Middle Road**, wherein Preliminary and Final Subdivision (Lot Line Revision) was requested between two lots as follows:

- a. Map 168, Lot 27 decreasing in area from 22,986 ± s.f. to 22,918 ± s.f. with 85.69' of continuous street frontage along Middle Road.
- b. Map 168, Lot 21 increasing in area by 68 ± s.f., with 114.8' of continuous street frontage along Middle Road.

(A variance was granted by the Board of Adjustment on May 17, 2016 for street frontage). Said lots lie within a General Residence A (GRA) District which requires a minimum lot size of 7,500 s.f. and 100' of continuous street frontage.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION

Henry Boyd with Millennium Engineering said that Natan Aviezri and Kathleen Toivanen were also present. In doing the subdivision work, they discovered the Toivanen driveway crossed over the northwest corner of the property of Mr. Aviezri, Lot A. He said it amounted to approximately 68 square feet. Mr. Aviezri would grant to the Toivanen lot the 68 square feet, but they needed a variance to do so. This would place the lot in compliance. In talking with neighbors, Mr. Hopley, an abutter said his sewer line ran across Mr. Aviezri's property. Mr. Hopley provided to Mr. Boyd the approximate locations of where the sewer lines ran, and this has existed for decades. He said Mr. Hopley asked if he would get protection for those. Mr. Boyd said he thought there was an existing easement. Mr. Boyd said they created a detailed easement to allow those rights to continue to exist. One iron rod was in the paved area. The existing Lot A would be reduced by 68 sf, as shown on the map.

Vice Chairman Moreau asked if it was the intention that these would stay as two lots, and Mr. Boyd answered yes.

Chairman Ricci asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to grant Preliminary and Final Subdivision approval with stipulations. Mr. Legg seconded the motion.

The motion to grant Preliminary and Final Subdivision approval passed unanimously with the following stipulations:

1. The deeds implementing the lot line revision and sewer easement shall be subject to approval by the Legal Department.
2. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
3. GIS data shall be provided to the Department of Public Works in the form as required by the City.
4. The final plat and deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

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C. The application of **Richard P. Fusegni, Owner**, for property located at **201 Kearsarge Way**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into three lots as follows:

1. Proposed lot #1 having an area of 18,654 ± s.f. (0.4282 acres) and 152’ of continuous street frontage on Birch Street;
2. Proposed lot #2 having an area of 18,882 ± s.f. (0.4335 acres) and 106’ of continuous street frontage on Kearsarge Way; and
3. Proposed lot #3 having an area of 17,365 ± s.f. (0.3987 acres) and 100’ of continuous street frontage on Kearsarge Way.

Said property was shown on Assessors Map 218 as Lot 5 and was located in the Single Residence B (SRB) District where the minimum lot area was 15,000 s.f. and minimum continuous street frontage was 100’.

The Chair read the notices into the record.

SPEAKING TO THE APPLICATION

John Chagnon from Ambit Engineering said he was appearing on behalf of Mr. Fusegni. He showed the three lots on the map. Mr. Chagnon said they were asking for approval for two waiver requests. The first was for lot arrangement, because a lot line will not be perpendicular after the subdivision. The second was for the corner lot at Kearsarge and Mangrove. This lot would not have the extra 10% lot width required for a corner lot, but it was sufficiently sized.

He said an edge of the paved portion of Birch Street currently existed over a property line. So as part of the application Mr. Fusegni was willing to grant an easement to the City to maintain Birch Street in its present location, and the easement was felt by the TAC and the DPW to be an appropriate solution to this issue. Mr. Fusegni was fond of the woods to the west, and he was personally committed to putting that area into a conservation easement, so that was shown on the plan.

Lot 5-3 would have a Mangrove Street address. Sheet C-1 showed the existing utilities. Currently there was an electric line that crossed over Lots 1 and 2, and that would go into a utility easement going forward. A sewer service easement would be granted so it can stay in the same location. On sheet D-1 there was a manhole with the sewer being extended to a clean out. Mr. Chagnon said they discussed this with DPW, but a manhole may be required. A berm would be provided for storm water mitigation, and Mr. Chagnon showed the erosion control measures. He said the project was reviewed at the TAC meeting, and the TAC requested they look at drainage. Mr. Chagnon said they have mitigated any off site runoff by construction of a berm, which would hold back water from the proposed buildout.

Mr. Chagnon stated that on May 31, 2016, the TAC approved the application with five stipulations, and the Planning Board has a staff memo regarding that.

Stipulation number 3 stated a driveway permit shall be required and approved by DPW. Mr. Chagnon said they only were concerned with the timing of that. That permit would be part of the building permit, and it would make sense to do that once and hopefully to not have to get those in place first.

Stipulations 6, 7, 8 and 9 were added by the Planning Department, and Mr. Chagnon said they have no problems with those. Stipulation number 6 stated the conservation easement should be granted by the City Council, and Mr. Chagnon was not sure how that applied in this case. He felt it would be subject to review and approval by the City under stipulation number 5.

Mr. Taintor stated that stipulation 6 could be stricken out.

Mr. Gladhill asked if there was a regulation on moving lot lines that would go through a structure. Mr. Chagnon said there was a note on the drawing that stated the structure would be removed.

Mr. Taintor asked if they needed to wait to record the plan until the house was removed, and Mr. Chagnon said they would work that out in a stipulation that either the house was removed before the mylar was filed or a bond be put into place to remove the house. This involved financing and /or the sale. He said either way would be acceptable.

Chairman Ricci asked if they did any soil work, and Mr. Chagnon said yes. The soils were mapped as urban land complex. He referred to Sheet C-1, and said the water from the property did collect there but it soaked into the ground. There would not be enough to create a wetland area. Chairman Ricci said the Lot 5-3 runoff would go to Mangrove, and asked if that was how the topo ran. He then asked if they would put in a dry well for each house to take care of the roof runoff, because he was concerned about Lot 5-3. The single family lots were usually a concern, he said, and he did not think it would be a big imposition. It would be better for the neighborhood. Mr. Chagnon would have a concern about saying they could do an infiltration because of some ledge in the area. Chairman Ricci said the house and dry well would be outside of where the ledge was. They discussed imposing a stipulation that if they did not encounter ledge, they put a dry well in, and Mr. Chagnon agreed with that.

Mr. Moore asked Mr. Taintor if he was comfortable with the order of the driveway permit issue, and Mr. Taintor answered, yes, absolutely.

Vice Chairman Moreau asked if they could ensure a house was not shown through the property line, as they did not want a mylar recorded with a house on it with a property line through it.

Chairman Ricci asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Chairman Ricci said they had some waivers to be voted on.

Vice Chairman Moreau moved to approve the waiver for the lot line arrangement not being perpendicular, and Mr. Gladhill seconded. The motion passed unanimously.

Vice Chairman Moreau moved they waive the additional lot width requirement, and Mr. Legg seconded. The motion passed unanimously.

Mr. Taintor said stipulation number 3 should be edited for clarification. The existing stipulation number 6 should be deleted. On the existing stipulation number 9, add a reference to the easement for Birch Street crossing Lot 3. Add two new stipulations: add that the existing house should be removed before the mylar is recorded, or a bond should be posted to ensure removal of the house that is acceptable to the Legal Department. They must add the removal of the house from the actual recorded mylar, and the dry wells should be added for all three lots unless prevented by ledge.

Vice Chairman Moreau moved to include all of that as stated, and Mr. Gladhill seconded. The motion passed unanimously.

The motion to grant Preliminary and Final Subdivision approval passed unanimously with the following stipulations:

Conditions Precedent (to be completed prior to recording of the plat)

1. The deeds for the new lots shall include the limits of the conservation and drainage easements, as well as the requirements for maintenance, to be reviewed and approved by DPW, the Legal Department and the Planning Director.
2. The existing house shall be removed from the plat.
3. The existing house shall be removed from the site, except that in lieu of physical removal prior to recording, a bond may be posted to assure removal if such is acceptable to the City's Legal Department. (However, the applicant is advised that variances must be obtained prior to recording if the house is to remain on site at the time of recording.)
4. Property monuments shall be set as required by the Department of Public Works.
5. GIS data shall be provided to the Department of Public Works in the form as required by the City.
6. The final plat, the easement for Birch Street crossing Lot 2, and drainage easement deed shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

Conditions Subsequent (to be completed prior to the initiation of any construction)

- 7. The final water and sewer connection locations and the termination of the existing sewer main shall be approved by DPW.
- 8. The owner shall work with the DPW to determine the appropriate location for underground utilities to ensure a minimum of a 5' wide sidewalk.
- 9. Driveway permits are required and shall be approved by DPW.

Conditions Subsequent (to be addressed during final design and construction)

- 10. Drywells shall be provided for roof runoff on all three lots unless prevented by ledge.
- 11. Any repairs to the City sidewalks resulting from site development shall be resolved within one day per occurrence.

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D. The application of **Alden Properties, LLC, Owner**, for property located at **33 Columbia Street and abutting vacant lot**, requesting Site Plan Approval to construct a two unit 35' high residential building with a footprint of 1,921 ± s.f. and gross floor area of 4,620 ± s.f. and a detached 3 bay 25' high garage with a footprint of 952 ± s.f. and gross floor area of 1,904 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property was shown on Assessor Map 145 as Lots 41 and 42 and lies within the General Residence C (GRC) District.

The Chair read the notices into the record.

SPEAKING TO THE APPLICATION

Colin Dinsmore from Ambit Engineering said that Sean Peters of Alden Properties was also present.

Lot 41 was currently addressed as 33 & 35 Columbia Street, and they would like to merge Lot 41 with Lot 42. He said there were multi-family residential buildings in the area. The existing debris and landscape would be cleaned up.

A variance was granted in February 2016 for the number of sf, but a stipulation stated there would be no living space in the detached garage building. He said there was a note on Sheet C-2 regarding that which would get recorded as a mylar. The existing access point off Columbia Street would be maintained. The new paved parking area would provide 10 parking spaces. There would be other parking in the garages. There would be new landscaping. As noted in the staff memo, the project received TAC approval on May 31 with stipulations.

They complied with the stipulation regarding fencing being pulled away from the property line. They also pulled the fence proposed for the south side. The fence would now start at the edge of the building. There was a request to lower the height of the fence, which they have complied with, and the height of the fence was now five feet. Stipulation 2 was the sidewalk width along Columbia Street. DPW asked them to provide a minimum width of five feet. Currently there was seven feet.

Regarding the four inch main on Columbia Street, they could not get accurate flow information. DPW recommended they come up with alternatives in case there was not adequate flow. The plan was to coordinate with the DPW and do a flow test when the road was opened up. If the flow capacity was not sufficient, then they would install a pump and tank system. That would provide the required capacity to feed the sprinklers.

Stipulation 4 was requested by the Fire Department who asked that an annual inspection report be done and given to the Fire Department.

There was an increase of impervious area with this project. So they provided a mitigation system to collect storm water and they would do two micro detention ponds for excess storm water. They proposed underground electric and gas lines.

They requested site plan approval and lot merger approval.

Chairman Ricci asked about the tree on the north side of the two units, and if that was to remain. Mr. Dinsmore said the one shown on C-3 and C-2 would remain. Chairman Ricci asked they add a note to reflect any trees to remain.

Chairman Ricci asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Taintor added a stipulation that a Notice of Voluntary Lot Merger shall be recorded prior to recording the site plan.

Vice Chairman Moreau moved to grant site plan approval, with the stipulation of the recorded lot merger prior to the mylar being recorded for the site, and add the labels to indicate all the trees that will remain. Mr. Legg seconded the motion.

The motion to grant Site Plan approval passed unanimously with the following stipulations:

1. A Notice of Voluntary Merger of Contiguous Lots shall be recorded at the Registry of Deeds prior to recording of the site plan.
2. Sheet C2 – Site Layout & Landscape Plan shall label all trees that will remain on the lot.
3. Sheet C2 – Site Layout & Landscape Plan shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.

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E. The application of **Terry Bennett, Owner, and 211 Union Street, LLC, Applicant**, for property located at **211 Union Street**, requesting Site Plan Approval to demolish the existing building and construct an eight unit 32' high residential building with a footprint of 8,575 ± s.f. and gross floor area of 25,245 ± s.f., including 16 underground parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property was shown on Assessor Map 135 as Lot 70 and lies within the General Residence C (GRC) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION

Attorney Timothy Phoenix from Hoefle, Phoenix, Gormley & Roberts, counsel to 211 Union Street, LLC said that Jay Pruit, Alex Ross and Brenan McNamara were also present.

A public city sewer line runs directly under the building. They worked with the TAC, the DPW and the Legal Department, and they have come up with a way to replace the sewer to another site until the city modifies that area.

Brendan McNamara showed pictures of the existing building at 211 Union Street and a rendition of the proposed building. They would have a three story building with first story parking and units on the second and third stories. The design allowed for the most favorable southern exposure, and mechanicals on the roof top would not be visible. There would be two parking spaces per unit. They went with durability, adaptability and energy efficiency, and the design is an early 1900's style

Alex Ross prepared the site plans and he discussed the handouts that he distributed. He said the existing building was behind the setback lines, and there was not proper parking. There was an existing 15" combined sewer line which was over 100 years old and served 15 homes in the area. They wanted to improve the sewer situation. The proposed site plan was shown on sheet two of the handout. They would meet all the building setbacks. The lot coverage has been increased, and there would be a new concrete sidewalk, green space, and parking. The new building would have a flat roof which would hold snow and storm runoff. The proposed lighting would be in the form of six antique style lamps mounted to the building. There would be five recessed lights and a main entry light and six stairway step lights with no excessive or misdirected lighting.

The landscape plan was shown on the third sheet of the handout. The landscaping would provide privacy, and the plants would be New England hardy and non-invasive. Another handout showed the plantings that would be used.

Mr. Ross discussed how the parking layout arrangement would allow for street and curbside parking where there was none now. He said they request a waiver to allow two one-way driveways for the site to allow for on-site parking.

The final sheet of the color handout showed what made the site a challenge. There was a manhole with multiple lines entering it with a 15" line exiting. There was a six inch line that flowed into the 15" line. There was very little information known when they started the project, and they did a lot of work to see exactly where the sewer lines flowed. They conducted dye tests. They proposed to reroute the line to the side of the property and around to the rear so that it can continue, and this has been approved by the DPW. Five new manholes would be installed. Also an easement would be granted to the city for the area. The line needed to stay in service, so they worked with the DPW to come up with a workable construction sequence. They would continue to work with the DPW to ensure all structures and lines were properly installed and tested. There would be new underground utilities.

They have gone through two TAC meetings and have incorporated all TAC recommendations and have addressed all DPW recommendations. Mr. Ross said they have come up with a good solution to allow continued access until Union Street was redone.

They ask that one item get reviewed, and that was B-1 on the staff memo recommendation to the Planning Board. Mr. Ross said he met with the DPW and said the current configuration shown was acceptable to Mr. Desfosses of the DPW.

Mr. Gladhill asked how many units were in the current structure, and Mr. Ross said it was a single residence, but there have been many people living there. Mr. Gladhill asked how much the rent was charged, and Mr. Ross did not know. Mr. Gladhill said he was concerned about the current people paying low rent and having that demolished to put up more expensive housing. Mr. Gladhill asked if they can consider one or two of the units to be workforce housing. Mr. McNamara said no; but it could have worked if they could have put 12 units in there. He said they would like to do that, but it would not work in this case. Attorney Phoenix said they respected the intent of trying to bring in workforce housing. He said Mr. Pruitt had met with all of the nearest abutters, and those neighbors were in favor of the project.

Vice Chairman Moreau asked about the lighting along the long sidewalk and said it seemed like there was a gap in the lighting. She suggested it might be better evenly placed, and not to have a dark space so as to be able to see all the way down the walkway.

Chairman Ricci asked about the new manhole. Mr. Ross said the existing one was 130 years old, and the DPW said not to touch that, but to get a new manhole and set that up. Mr. Ross said it was for combined sewer and storm water. Chairman Ricci asked about when they separated lines in the future how they would flow. Mr. Ross said Sheet 9 on the main plan set showed the results of the dye testing. Chairman Ricci asked if the utilities would come out the front or discharge out the rear, when this was all reworked in the future and what would happen with abandoned lines. Mr. Ross said they would unearth the line, and they would leave part of the blue line in place. Any laterals that existed would be connected back to the rerouted line. Attorney Phoenix said the city said they wanted to abandon the line sometime in the future, so that temporary easement would stay until the city said they did not want it any longer.

Chairman Ricci asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Taintor, said regarding the stipulation B-1, he talked with TAC members about the intent of the stipulation, and he suggested they do what Mr. Ross suggested, which was to change the wording of the stipulation to say that the final driveway dimension would be subject to approval by the DPW.

The Chair said they would first vote on the waiver from Section 3.3.2.3 to allow two driveways on a single lot.

Vice Chairman Moreau moved to grant the waiver for two driveways on the single lot, keeping in mind they were each one direction driveways, and Mr. Legg seconded. The motion passed with 1 opposed. Mr. Gladhill opposed.

Vice Chairman Moreau moved to grant site plan approval with the conditions in the Planning Board memo, with B-1 changed to the say the final driveway dimension will be subject to approval by the DPW. Mr. Legg seconded.

The motion to grant Site Plan approval passed unanimously with the following stipulations:

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

1. The Site Plan shall include the following notes:
 1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
 2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.
2. The Landscape Plan shall include the following notes:
 1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
 2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.
 3. The property owner and all future property owners shall be responsible for the maintenance, repair and replacement of all required screening and landscape materials.
 4. All required plant materials shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. All required fences and walls shall be maintained in good repair.
 5. The property owner shall be responsible to remove and replace dead or diseased plant materials immediately with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are requested, justified and approved by the Planning Board or Planning Director.
3. The final driveway design shall be subject to approval by the Department of Public Works.
4. Driveway permits shall be obtained from the Department of Public Works.
5. The final sidewalk design shall be subject to approval by DPW.
6. A temporary easement over the new sewer alignment, as shown on the Easement Plan, shall be granted to the City. The easement deed shall be subject to approval by the Planning and Legal Departments and acceptance by the City Council.
7. The Site Plan, Landscape Plan, Easement Plan and sewer easement deed shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.

- 8. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City’s Legal and Planning Departments.

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

- 9. All work being done in the City right-of-way shall be reviewed and approved by the City and inspected by the City as it is being done.
- 10. The applicant shall make a payment of \$20,000 to the City for the eventual decommissioning of the temporary sewer and site restoration after the new sewer is constructed. No certificate of occupancy shall be issued for any unit until this payment has been made.

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F. The application of **Strawbery Banke, Inc., Owner**, for property located on **Washington Street (aka 14 Hancock Street)**, requesting Amended Site Plan Approval to construct a 49’ x 16’, 784 s.f. porch over an existing patio attached to the “Tyco Visitor Center” building, a 49’ x 16’ brick patio, a 33’4” x 10’ wood deck and a new brick walkway, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. This new structure was to replace a previously approved temporary structure that was removed after the skating season which was used for ticket sales, skate sharpening and a changing area. Said property was shown on Assessor Map 104 as Lot 7 and lies within the Mixed Residential Office (MRO) District and the Historic District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION

Joe Maligny from Ambit Engineering, representing Strawbery Banke said that Rodney Rowland the Operations Manager, and Tracy Kozak from JSA Architects were also present.

The project was approved at the HDC in May. The TAC approved the project on May 31, 2016 with no stipulations. Mr. Maligny showed the existing layout and said they would like a permanent structure. There would be a brick patio and walkway, and a wood deck with benches and planters. The windows would be removable for the summer season. There was a French drain that drained to the existing catch basin. The porch would have gutters and downspouts, and there would be wall sconces for lighting. Bathroom facilities would continue as before.

Vice Chairman Moreau asked if the current patio area would be closed in, and Mr. Maligny said yes and ticket sales would stay where they were now. Vice Chairman Moreau asked what the space would be during non-skating seasons. Rodney Roland said the existing patio was a supporting space for the café. The other area did not have a specific function.

Chairman Ricci asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to grant the amended site plan approval. Mr. Gladhill seconded.

The motion to grant Amended Site Plan approval passed unanimously.

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V. CITY COUNCIL REFERRALS/REQUESTS

*The Board's action in these matters has been deemed to be legislative 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 would be deemed waived.*

A. Consideration of rezoning options for 678 Maplewood Avenue and the adjacent vacant parcel to allow for the development of affordable housing.

Mr. Taintor said the Council has established a Housing Committee, chaired by Rebecca Perkins, a Planning Board member. That housing committee has a mandate to do their work quickly and report back to the City Council. They would look at parcels throughout the city. To avoid confusion, it would be better to defer this until the housing committee has completed their work. Mr. Taintor recommended they postpone consideration until September after the work was done by committee and maybe some residents have provided input.

Vice Chairman Moreau moved they postpone to September, and Mr. Legg seconded. Ms. Colbert-Puff stated the motion should include having a neighborhood meeting.

The motion to postpone to the September 15, 2016 Planning Board Meeting passed unanimously with the request that a neighborhood meeting will be held to discuss land use and zoning issues for this property and the surrounding area.

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B. Request to accept water line easements from Thurken IV, LLC and Sarnia Properties, LLC to serve a minor commercial subdivision off of Route 33.

Mr. Taintor said there was city provided water service in Greenland. The DPW requested that the city accept the easement for that water line which crossed two parcels. The city attorney has provided that recommendation to them.

Vice Chairman Moreau moved that they recommend to the City Council to accept the water easements. Mr. Gladhill seconded, and the motion passed unanimously.

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VI. OTHER BUSINESS

A. Proposed amendments to the Zoning Ordinance, Articles 2, 3, 4, 5, 6, 8, 10, 11, 12 and 15, relating to variances, nonconforming buildings and structures, accessory dwelling units, building coverage and yards, residential bulk control and building heights, Historic District exemptions, wetlands protection, off-street parking setbacks, signs and definitions.

Mr. Taintor distributed copies of the proposed amendments. He recommended they schedule a work session and a public hearing to discuss these at the July meeting at 6:00.

Vice Chairman Moreau said she had a lot of comments about this and has submitted them to Mr. Taintor. She said she supported a work session on accessory dwelling units. Mr. Gladhill said from an HDC perspective he would move these forward. Mr. Taintor said they do public hearings, but they would not need to talk about all articles in the work session.

Mr. Taintor highlighted which articles would or would not need to be discussed at the work session. Accessory dwelling units and wetlands buffers would be discussed at a work session. The historic district exceptions would not be. Article 11 would be skipped at work session. Article 12 regarding new LED plaza signs would be discussed. Articles 3,4,5,7,9,10 would be discussed during the work session. No action was needed at this time.

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VII. ADJOURNMENT

A motion to adjourn at 8:40 pm was made, seconded and passed unanimously.

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Respectfully Submitted,

Marian Steimke
Acting Secretary for the Planning Board

These minutes were approved at the July 21, 2016 Planning Board meeting.