

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

JULY 21, 2016

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

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

MEMBERS ABSENT: William Gladhill;

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6:00 – 7:00 pm – WORK SESSION on Zoning Ordinance Amendments
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I. APPROVAL OF MINUTES

- 1. Approval of Minutes from the June 16, 2016 Planning Board Meeting – Unanimously approved.

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II. DETERMINATIONS OF COMPLETENESS

A. Site Plan Review:

- 1) The application of **Scott Mitchell, Owner**, for property located at **2839 Lafayette Road and abutting vacant lot**, requesting Site Plan Approval

Voted to determine that the application for Site Plan approval was complete according to the Site Plan Review Regulations and accepted the application for consideration.

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III. PUBLIC HEARING – ZONING AMENDMENTS

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 and design guidelines, wetlands protection, off-street parking setbacks, digital signs, and definitions. The proposed amendments are available for review in the Planning Department during normal City Hall business hours, and are also posted on the Planning Department website, planportsmouth.com.

Voted to schedule a Work Session at 6:00 pm on August 18, 2016, followed by another public hearing at the 7:00 pm Planning Board meeting.

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IV. PUBLIC HEARINGS – OLD BUSINESS

A. The application of **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 is shown on Assessor Map 286 as Lots 18 & 19 and lies within the Gateway (GW) District. (This application was continued from the June 16, 2016 Planning Board Meeting.)

Voted to **grant** Conditional Use Permit with the following stipulations:

1. The owner will be responsible for removing invasive species inadvertently introduced to the site. After removal, replant consistent with the planting plan or native species.
2. The owner shall continually monitor and remove invasive species on the site.

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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 is shown on Assessor Map 229 as Lot 8 and lies within the Gateway (GW) District. (This application was continued from the June 16, 2016 Planning Board Meeting.)

Voted to **postpone** Site Plan Review to the August 18, 2016 Planning Board Meeting.

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C. 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 is shown on Assessor Map 122 as Lot 4 and lies within the General Residence A (GRA) District. (This application was continued from the June 16, 2016 Planning Board Meeting.)

Voted to **grant** your Conditional Use Permit with the following stipulation:

1. Within two months of the completion of repairs, the applicant shall provide the Conservation Commission, through the Environmental Planner, a report documenting the project with photos and a brief description of the project and any lessons learned, for use in reviewing future applications for repairs to this type of structure.
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V. PUBLIC HEARINGS – NEW BUSINESS

A. The application of **Portsmouth Housing Authority, Owner**, for property located on **Gosling Road**; **YDNIC, LLC, Owner**, for property located at **1840 Woodbury Avenue**; and **the City of Portsmouth, Applicant**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a sidewalk along the south side of Gosling Road, with 200 ± s.f. of impact to the inland wetland buffer. Said properties are shown on Assessor Map 239 as Lots 8 and 12 and lie within the Single Residence A (SRA) and Garden Apartment/Mobile Home (GA/MH) districts.

Voted to **grant** Conditional Use Permit approval with the following stipulation:

- 1. Revise the Site Plans to change “silt fence” to “silt sock”.

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B. The application of **Errol Hebert, Owner**, for property located at **901 Banfield Road**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to remove 1,837 ± s.f. of concrete and replace it with 1,500 ± s.f. of crushed stone and a 14’ x 24’ (336 s.f.) concrete pad for a new shed, resulting in a net reduction of 1,500 ± s.f. of impervious surface in the inland wetland buffer. Said property is shown on Assessor Map 275 as Lot 8 and lies within the Single Residence A (SRA) District.

Voted to **grant** Conditional Use Permit approval as presented.

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C. The application of **Ryan and Jennifer Smith, Owners**, for property located at **100 Peverly Hill Road**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 19’1” x 15’11” two story deck and a 24’11” x 12’ farmers porch, with 602 ± s.f. of impact to the inland wetland buffer. Said property is shown on Assessor Map 243 as Lot 51 and lies within the Single Residence B (SRB) District.

Voted to **grant** Conditional Use Permit approval, as presented. (Refer to letter from Steven Riker, CWS, of Ambit Engineering, dated July 20, 2016, with attachments, which was presented to the Board at the meeting and incorporated as part of this approval.)

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D. The application of **J.P. Nadeau, Owner**, and **Sea Level, LLC, Applicant**, for property located at **187 Wentworth House Road**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer to remove 4,500 s.f. of PCB impacted surface soil and replace with 1’ crushed stone, with 4,500 ± s.f. of impact to the tidal wetland buffer. Said property is shown on Assessor Map 268 as Lot 83 and lies within the Waterfront Business (WB) District.

Voted to **grant** Conditional Use Permit approval with the following stipulation:

- 1. Details shall be added for the silt fence and a 3:1 side slope.

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E. The application of **1987 Tamposi Limited Partnership, Owner, and Key Collision Center of Portsmouth, LLC, Applicant**, for property located at **9 Post Road**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer for parking lot grading and improvements, construction of a bio-retention area, site drainage improvements and the installation of a fence, with 15,606 ± s.f. of impact to the inland wetland buffer. Said property is shown on Assessor Map 284 as Lot 11 and lies within the Industrial (I) District.

Voted to **grant** Conditional Use Permit approval with the following stipulation:

1. The Grading and Drainage Plan shall be revised as follows:
 - a. Add grading in the back.
 - b. Revise note referring to the silt sock.

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F. The application of **Thirty Maplewood, LLC, Owner**, for property located at **30-46 Maplewood Avenue**, requesting Final Subdivision Approval to subdivide one lot into two lots as follows:

1. Proposed lot #1 having an area of 34,887 ± s.f. (0.8009 acres) and 194.56’ of continuous street frontage on Maplewood Avenue, 102.71’ of continuous street frontage on Hanover Street, 313.32’ of continuous frontage on Bridge Street, and 46.61’ of continuous street frontage on Deer Street; and
2. Proposed lot #2 having an area of 21,798 ± s.f. (.5004 acres) and 159.97’ of continuous street frontage on Maplewood Avenue and 147.98’ of continuous street frontage on Deer Street.

Said property is shown on Assessors Map 125 as Lot 2 and is located in Character District 4 (CD4), the Historic District and the Downtown Overlay District (DOD). Minimum required lot area is 2,000 s.f.

Voted to grant Final Subdivision approval with the following stipulations:

1. Lot numbers as determined by the Assessor shall be added to the final plat.
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 deed to the new lot, and all easement deeds, shall be subject to review and approval by the Legal and Planning Departments.
5. The final plat, deed and all easement 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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G. The application of **Scott Mitchell, Owner**, for property located at **2839 Lafayette Road and abutting vacant lot**, requesting a Conditional Use Permit under Section 10.836 for a drive-through facility as an accessory use to a permitted principal use (retail bank).

H. The application of **Scott Mitchell, Owner**, for property located at **2839 Lafayette Road and abutting vacant lot**, requesting Site Plan Approval for the demolition of two existing buildings and the construction of a proposed 70' x 46' bank building with drive-thru, with a footprint of 3,038 ± s.f. and gross floor area of 3,838 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 286 as Lots 178 & 19 and lie within the Gateway (GW) District.

- A. Voted to determine that the application for Site Plan Approval was complete according to the Site Plan Review Regulations and accepted the application for consideration.
- B. Voted to find that the level of service and traffic safety conditions of all streets and intersections to be impacted by the project will be the same as, or better than, predevelopment conditions, and to grant the Conditional Use Permit for the accessory drive-through facility.
- C. Voted to find that a waiver will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Site Plan Review Regulations, and to waive the following regulations:
 - 1. Section 6.7.3: In the Gateway District, the front yard shall include a landscaped buffer strip with a depth of at least one-third of the distance between the street right-of-way and any building, and extending across the width of the lot except for driveways, sidewalks and bicycle paths. The buffer strip shall be in addition to the street trees required herein, and shall include a combination of trees and lower-level elements such as shrubs, hedges, fences, planted berms, or brick or stone walls.
 - 2. Section 3.3.2.3: Driveways shall be limited to one per lot.
- D. Voted to grant Site Plan Approval with the following stipulations:
 - 1. Revise the site plans as follows:
 - (a) Change "bike path" to "multi-use path".
 - (b) Remove sign R6-2R from the drive-through exit.
 - (c) Change "silt fence" to "silt sock".
 - (d) Add a detail for the plunge pool.
 - 2. The Site Plan (Sheet C-2) 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 Landscape Plan (Sheet L-01) 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.
 - 6. The owner shall continually monitor and remove invasive species on the site.”
- 4. A Notice of Voluntary Lot Merger shall be executed and submitted to the Planning Department for approval.
 - 5. The Notice of Voluntary Lot Merger, Site Plan (Sheet C-2), and Landscape Plan (Sheet L-01) shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

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VI. OTHER BUSINESS

A. Consideration of amendments to the Subdivision Rules and Regulations and the Site Plan Review Regulations to require preapplication review for certain major developments and to require that all mylars be pre-approved by the Registry of Deeds before being delivered to the Planning Department for recording.

Voted to postpone to a future Planning Board Meeting.

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VII. ADJOURNMENT

A motion to adjourn at 10:04 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board