

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM REGULAR PLANNING BOARD MEETING

March 17, 2022

ACTION SHEET

I. APPROVAL OF MINUTES

- A.** Approval of the February 17, 2022 minutes.

The February 17, 2022 minutes were approved as amended.

The Board voted to take Item VII, A. (163 Sparhawk Street) out of order.

II. DETERMINATIONS OF COMPLETENESS

SUBDIVISION REVIEW

- A.** The request of **Cate Street Development (Owner)**, for property located at **428 US Route 1 Bypass, 406 US Route 1 Bypass, and 55 Cate St** requesting Subdivision Review approval for a lot line adjustment.

The Board voted to determine that this applications is complete according to the Subdivision Regulations, (contingent on the granting of any required waivers under Section III and IV of the agenda) and to accept the applications for consideration.

SITE PLAN REVIEW

- A.** The request of **238 Deer Street, LLC, (Owner)**, for property located at **238 Deer Street**, requesting Site Plan Review approval.

The Board voted to determine that this applications is complete according to the Site Plan Review Regulations.

- B.** The request of **Cate Street Development (Owner)**, for property located at **406 US Route 1 Bypass**, requesting Site Plan Review approval.

The Board voted to determine that this applications is complete according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Section III and IV of the agenda) and to accept the applications for consideration.

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 request of **Cate Street Development (Owner)**, for property located at **406 US Route 1 Bypass**, requesting amended Site Plan Review approval to reconfigure and expand parking on Tax Map 172 Lot 2, Tax Map 172 Lot 1, and Tax Map 165 Lot 2 to contain 73 new spaces (52 covered); to renovate the existing structure on Tax Map 172 Lot 2; and to add a bioretention stormwater facilities, stormwater collection and treatment facilities on Tax Map 172 Lot 1 and Map 165 Lot 2. Said properties are shown on Assessor Map 172 Lot 1, Map 172 Lot 2, and Map 165 Lot 2 and lie within the Gateway Corridor (G1) District. (LU-22-7)

*Voted to **grant** Site Plan Approval with the following stipulations:*

Conditions Precedent

- 1. Applicant shall provide an updated site plan, utility plan, and lighting plan showing the two proposed parking structures (to cover 50 parking spaces and constructed to be substantially consistent with the detail provided in the submission package dated March 10, 2022) located along the southern boundary line along the rail road right of way; and a statement to planning staff confirming that section 10.1140 (Outdoor Lighting) has been is met.*
- 2. The site plan and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 3. The Applicant or its engineer shall submit a copy of a completed Land Use Development Tracking Form using the Pollutant Tracking and Accounting Program (PTAP) online portal currently managed by the UNH Stormwater Center or similar form approved by the City.*
- 4. The temporary construction easement along the railroad right-of-way should be shown on a recordable plan.*
- 5. A drainage easement directly adjacent to the rail road right of way line (as there are actually two pipes coming through the bank) should be shown on a recordable plan.*
- 6. A parking impact analysis (consisting of data already available to the applicant) will be submitted to City Staff.*

- B.** The request of **Cate Street Development LLC (Owner)**, and **Boston and Maine Corp (Owner)**, for properties located at **428 US Route 1 Bypass, 406 US Route 1 Bypass**, and **55 Cate St** requesting Preliminary and Final Subdivision approval (Lot Line Revision) to convey 31,187 square feet from Map 165 Lot 14 to Map 172 Lot 2, Map 172 Lot 1 and Map 165 Lot 2 which will result in a total of 52,820 square feet lot area for Map 172 Lot 2, 126,500 square feet lot area for Map 172 Lot 1, and 260,789 square feet lot area for Map 165 Lot 2. Said properties are shown on Assessor Map 172 Lot 1, Map 172 Lot 2, Map 165 Lot 2, and Map 165 Lot 14 and lie within the Transportation Corridor (TC) and the Gateway Corridor (G1) District. (LU-22-7)

*The Board voted to **grant** Preliminary and 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 final plat and all easement deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

The Board voted to take items IV, B. (213 Jones Avenue) and IV, C. (189 Gates Street) out of order.

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 request of **238 Deer Street, LLC, (Owner)**, for property located at **238 Deer Street**, requesting Site Plan Review approval for demolition of the existing structure and the construction of a new 3-4 story mixed-use building with 21 residential units with a footprint of 5,263 +/- s.f. and 19,190 s.f. gross floor area with associated site improvements. Said property is shown on Assessor Map 125 as Lot 3 and lies within the Character District 4 (CD4), Downtown Overlay, and Historic Districts. (LU-20-238)

*The Board voted to **grant** Site Plan Approval with the following conditions:*

Conditions Precedent:

- 1. Temporary easements will be needed for construction. Temporary easement language and area (to be identified on the plan) are to be obtained along eastern and western boundary lines in order to begin construction of the foundation.*
- 2. A Construction Management and Mitigation Plan will be required to address, at minimum, access and use of the municipal ROW to construct the building, and proposed staging areas. Heavy machinery staging and access shall be from Deer St.*
- 3. The site plan and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 4. Any easement plans and deeds for which the City is a grantor or grantee shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by City Council.*
- 5. The Applicant or its engineer shall submit a copy of a completed Land Use Development Tracking Form using the Pollutant Tracking and Accounting Program (PTAP) online portal currently managed by the UNH Stormwater Center or similar form approved by the City.*
- 6. Engineer of record shall be established prior to issuance of building permit for the purpose of satisfying condition 1.h.*
- 7. Correct existing conditions plans to show 2" water service from water main to the valve and 1" water service from the valve to the building.*

Conditions Subsequent:

- 8. The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance.*
- 9. A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted to the City's Planning and Public Works Departments.*
- 10. Applicant will report back to Planning Director in one (1) year regarding how the resident/visitor parking needs are being met and if the approved parking plan is adequate to support all the uses on the site.*

B. REQUEST TO POSTPONE The request of **Donald Lowell Stickney III (Owner)**, for property located at **213 Jones Avenue** requesting Conditional Use Permit under section 10.814 of the Zoning Ordinance and modification of the standards set forth in Sections 10.814.40 or 10.814.52 through 10.814.56, to construct a new single family residence and convert the existing residence into a Detached Accessory Dwelling Unit totaling 886 square feet of living area. Said property is shown on Assessor Map 222 Lot 69 and lies within the Single Residence B (SRB) district. (LU-22-34) **REQUEST TO POSTPONE**

The Board voted to take this item out of order.

*The Board voted to **postpone** this item to the April Planning Board Meeting.*

C. REQUEST TO POSTPONE The request of **Nerbonne Family Revocable Trust (Owner)**, for property located at **189 Gates Street** requesting a Conditional Use Permit under section 10.815 of the Zoning Ordinance and modification of the standards set forth in Section 10.815.30 for the conversion of an existing accessory structure (garage) into a garden cottage with 546 gross square footage of living space. Said property is shown on Assessor Map 103 Lot 6 and lies within the General Residence B (GRB) and Historic Districts. **REQUEST TO POSTPONE (LU-22-30)**

The Board voted to take this item out of order.

*The Board voted to **postpone** this item to the April Planning Board Meeting.*

D. The request of **Treadwell House Inc. (Owner)**, for property located at **70 Court Street** requesting a Conditional Use Permit under section 10.112.14 of the Zoning Ordinance to provide five (5) parking spaces where 11 are required. Said property is shown on Assessor Map 116 Lot 49 and lies within the Character District 4-L1 (CD4-L1) and Historic District. (LU-22-10)

*The Board voted to **grant** a conditional use permit to allow a building or use to provide less than the minimum number of off-street parking spaces required by Section 10.112.32 (five parking spaces on site) with the following stipulations:*

- 1. Provide three additional parking spaces at 159 Middle St.*
- 2. A parking covenant will be filed requiring three spaces located at 159 Middle St. to be restricted to the Inn use and signage be appropriately posted.*
- 3. Applicant will report back to Planning Director in one (1) year regarding how the visitor parking needs are being met and if the approved parking plan is adequately addressing visitor and staff needs.*

V. PRELIMINARY CONCEPTUAL CONSULTATION

A. The request of **One Market Square LLC (Owner)**, for the property located at **1 Congress Street** for Preliminary Conceptual Consultation to partially demolish existing buildings and construct a new 3 story structure with a short 4th story. Said property is shown on Assessor Map 117 Lot 14 and lies within Character District 4 (CD-4), Character District 5 (CD-5) and the Historic District. (LUPD-22-6)

No action was taken or required.

VI. DESIGN REVIEW APPLICATION ACCEPTANCE

- A.** The request of **One Market Square LLC (Owner)**, for the property located at **1 Congress Street** requesting Design Review approval to partially demolish existing buildings and construct a new 3 story structure with a short 4th story. Said property is shown on Assessor Map 117 Lot 14 and lies within Character District 4 (CD-4), Character District 5 (CD-5) and the Historic District. (LUPD-22-6)

The Board voted to accept the submitted materials for Design Review and schedule the public hearing for the April Planning Board meeting.

VII. OTHER BUSINESS

- A.** Request from **Michael J. O'Connor, Owner**, for property located at **163 Sparhawk Street** for a 1-year extension of the Wetland Conditional Use Permit granted on 2/18/2022. (LU-20-256)

The Board voted to take this item out of order.

*The Board voted to **grant** a 1 – year extension of the Conditional Use Permit.*

- B.** Review and discuss dates and topics for proposed training offered through the New Hampshire Municipal Association.
- C.** Discuss upcoming staff presentation on housing data, trends, and needs.

VIII. ADJOURNMENT

The meeting adjourned at 10:00 PM