

**REGULAR MEETING
PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

MAY 17, 2018

**AGENDA
(Revised 5/17/18)**

I. APPROVAL OF MINUTES

- A. Approval of Minutes from the April 19, 2018 Planning Board Meeting;
- B. Approval of Minutes from the April 26, 2018 Planning Board Meeting.

II. PUBLIC HEARING – REZONING REQUEST

*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 will be deemed waived.*

- A. Request of **Clipper Traders, LLC** for Zoning Change from Office Research (OR) and Transportation Corridor (TC) to Character District 4 West End (CD4-W) and Character District 4 Limited2 (CD4-L2), for property located at **105 Bartlett Street**, Tax Map 157, Lots 1 & 2; Tax Map 164, Lots 1, 2, 3 & 4 (also shown on Tax Maps 139 and 144). (This request was postponed from the April 26, 2018 Planning Board Meeting).

III. PUBLIC HEARINGS – OLD BUSINESS

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

- A. The application of **Thirty Maplewood, LLC, Owner**, for property located at **46-64 Maplewood Avenue** (previously 30 Maplewood Avenue), requesting Site Plan Approval for a proposed 5-story mixed-use building with a footprint of 17,410 ± s.f. and gross floor area of 53,245 ± s.f., including 22 dwelling units and 13,745 ± s.f. of retail use, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 125 as Lot 2A and lies within Character District 4 (CD4), the Downtown Overlay District (DOD) and the Historic District. (This application was postponed at the April 19, 2018 Planning Board Meeting).

B. The application of **175 Gosport Road, LLC, Owner, and Michael Clark, Applicant,** for property located at **175 Gosport Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal and inland wetland buffer to demolish an existing pool house and pool and construct a new pool house, pool, garage, dock and driveway expansion, with 11,075 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 224 as Lot 1 and lies within the Single Residence A (SRA) District. (This application was postponed at the April 19, 2018 Planning Board Meeting).

C. The application of **Islington Commons, LLC, Owner, for** property located at **410, 420, and 430 Islington Street**, requesting Site Plan Review to remodel three existing buildings into 4 units (Building #1 with 1,315 ± s.f. footprint and 1,906± s.f. gross floor area, Building #2 with 999± s.f. footprint and 1,894± s.f. gross floor area, Building #3 with 1,964 ± s.f. footprint and 5,429 ± s.f. gross floor area); and construct 3 duplex buildings and a single dwelling unit for 11 proposed units (Building #4 with 1,799± s.f. footprint and 4,375± s.f. gross floor area, Building #5 with 1,280 ± s.f. footprint and 2,752 ± s.f. gross floor area, Building #6 with 1,997 ± s.f. footprint and 5,054 ± s.f. gross floor area, Building #7 with 2,014 ± s.f. footprint and 4,725± s.f. gross floor area), with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 145 as Lots 34, 35 and 36 and lie within the Character District 4-Limited2 (CD4-L2) and the Historic District. (This application was postponed at the April 26, 2018 Planning Board Meetings).

IV. PUBLIC HEARINGS – NEW BUSINESS

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

A. The application of **Christopher and Tracy Kozak, Owners,** for property located at **28 Walden Street**, requesting Conditional Use Permit approval to create a one-story, one room garden cottage in an existing building, with 371 s.f. of gross floor area and a footprint of 410 s.f., with associated paving, lighting, and utilities. Said property is shown on Assessor Map 101 as Lot 19 and lies within the General Residence B (GRB) District and the Historic District.

B. The application of **Mark C. Therrien, Owner,** for property located at **6 Vine Street**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 12' x 16' deck where a 10' x 16' patio was approved as part of a previous approval by the Planning Board on March 19, 2015, with 192 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 233 as Lot 107 and lies within the Single Residence B (SRB) District.

C. The application of **Carolyn McCombe, Trustee; Elizabeth Barker Berdge, Trustee; and Tim Barker, Owners,** for property located on **Martine Cottage Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 1,840 ± s.f. single family home with associated garage, septic system and driveway, with 14,022 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 202 as Lot 14 and lies within the Rural (R) District.

D. The application of **Daniel and Shea N. Cook, Owners**, for property located at **150 Brackett Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer to replace an existing 570 ± s.f. deck with a proposed 892 ± s.f. deck and conversion of 443 ± s.f. of asphalt to porous pavement, with 1,996 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 207 as Lot 72 and lies within the Single Residence B (SRB) District.

V. PRELIMINARY CONCEPTUAL CONSULTATION REVIEW

A. The application of **Torrington Properties, Inc. and Waterstone Properties Group, Inc., Applicants**, for property located at **428 Route 1 By-Pass**, requesting Preliminary Conceptual Consultation review for a mixed use development.

B. The application of **Connect Community Church**, for property located at **200 Chase Drive**, requesting Preliminary Conceptual Consultation review for a multi-unit residential building.

VI. OTHER BUSINESS

A. The request of **Borthwick Forrest, LLC, Owner**, for property located **off Proposed Subdivision Road to be Created off Borthwick Avenue**, for an eighteen (18) month extension of Preliminary and Final Subdivision Approval which was granted by the Planning Board on May 18, 2017.

VII. CORRESPONDENCE:

A. Letter from Robin Albert Lehman, dated May 6, 2018, regarding future housing project at 140 Court Street.

VIII. ADJOURNMENT

NOTICE TO MEMBERS OF THE PUBLIC WHO ARE HEARING IMPAIRED

If you wish to attend a Planning Board meeting and need assistance, please contact the Human Resources Office at 610-7270 one week prior to the meeting.

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

May 17, 2018

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

ALSO PRESENT: Jillian Harris, Planner I

MEMBERS ABSENT: Jay Leduc; Jeffrey Kisiel; and Corey Clark, Alternate;

I. APPROVAL OF MINUTES

- A. Approval of Minutes from the April 19, 2018 Planning Board Meeting – Unanimously approved.
 - B. Approval of Minutes from the April 26, 2018 Planning Board Meeting – Unanimously approved.
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II. PUBLIC HEARING – REZONING REQUEST

A. Request of **Clipper Traders, LLC** for Zoning Change from Office Research (OR) and Transportation Corridor (TC) to Character District 4 West End (CD4-W) and Character District 4 Limited2 (CD4-L2), for property located at **105 Bartlett Street**, Tax Map 157, Lots 1 & 2; Tax Map 164, Lots 1, 2, 3 & 4 (also shown on Tax Maps 139 and 144). (This request was postponed from the April 26, 2018 Planning Board Meeting).

Voted to recommend to the City Council the zoning change, as presented and amended by City staff.
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III. PUBLIC HEARINGS – OLD BUSINESS

A. The application of **Thirty Maplewood, LLC, Owner**, for property located at **46–64 Maplewood Avenue** (previously 30 Maplewood Avenue), requesting Site Plan Approval for a proposed 5-story mixed-use building with a footprint of 17,410 ± s.f. and gross floor area of 53,245 ± s.f., including 22 dwelling units and 13,745 ± s.f. of retail use, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 125 as Lot 2A and lies within Character District 4 (CD4), the Downtown Overlay District (DOD) and the Historic District. (This application was postponed at the April 19, 2018 Planning Board Meeting).

Voted to **grant** Site Review approval with the following stipulations:

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

1. Final electrical design, including sidewalk clearance where electrical conduit enters the building, shall be reviewed and approved by Eversource and confirmed with the Planning Department.
2. The applicant shall meet with DPW and Planning to confirm applicant's responsibilities for any required easements for electric service at 238 Deer St.
3. The following note shall be added to the site plan: "Foundation to be designed to be water tight at the basement level. Foundation design/construction shall minimize groundwater effects by using appropriate backfill and other methods under and around the foundation and, if necessary, by raising the elevation of the basement/foundation. A qualified geotechnical engineer shall evaluate the groundwater condition during excavation to determine any recommended adjustments. Any proposed permanent discharges into the City's stormwater system shall be quantified and shall result in no net increase in rate of peak flow from existing conditions and shall require review and approval by DPW and a stormwater discharge permit as well as a site plan amendment."
4. The Silva Cell detail shall be approved by DPW.
5. Sheet C5-Note 6 shall be revised to indicate that grease trap inspections shall occur not less than two times per year.
6. The applicant shall provide fair share contributions for additional off-site improvements as follows: 1) half the estimated costs of the pavement and overlay of portions of Deer Street and Bridge Street (\$47,812); 2) a fair share allocation of the Russell Street intersection improvements (\$5,000); 3) a fair share allocation to the cost of the Downtown Circulation Study (\$7,000); and a fair share allocation of the water main replacement on Deer Street (\$52,000).
7. The easement deed for the pedestrian easements shall be reviewed and approved by the Planning and Legal Departments and accepted by City Council.
8. The required licenses for permanent improvements in the City right-of-way shall be reviewed and approved by the Planning and Legal Departments and approved by City Council.
9. The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of site improvements within the public rights-of-way.
10. 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.
11. 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 issuance of a certificate of occupancy)

1. The contractor shall provide shop drawings for all improvements in the ROW for approval by DPW prior to construction.
2. A sewer discharge permit is required and should be sent to the City Engineer for review and signature.
3. A third party inspection shall be required on all constructed off-site improvements.

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B. The application of **175 Gosport Road, LLC, Owner, and Michael Clark, Applicant,** for property located at **175 Gosport Road,** requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal and inland wetland buffer to demolish an existing pool house and pool area and construct a new pool house, pool, garage, dock and driveway expansion, with 11,075 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 224 as Lot 1 and lies within the Single Residence A (SRA) District. (This application was postponed at the April 19, 2018 Planning Board Meeting).

Voted to postpone to the June 21, 2018 Planning Board Meeting.

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C. The application of **Islington Commons, LLC, Owner,** for property located at **410, 420, and 430 Islington Street,** requesting Site Plan Review to remodel three existing buildings into 4 units (Building #1 with 1,315 ± s.f. footprint and 1,906± s.f. gross floor area, Building #2 with 999± s.f. footprint and 1,894± s.f. gross floor area, Building #3 with 1,964 ± s.f. footprint and 5,429 ± s.f. gross floor area); and construct 3 duplex buildings and a single dwelling unit for 11 proposed units (Building #4 with 1,799± s.f. footprint and 4,375± s.f. gross floor area, Building #5 with 1,280 ± s.f. footprint and 2,752 ± s.f. gross floor area, Building #6 with 1,997 ± s.f. footprint and 5,054 ± s.f. gross floor area, Building #7 with 2,014 ± s.f. footprint and 4,725± s.f. gross floor area), with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 145 as Lots 34, 35 and 36 and lie within the Character District 4-Limited2 (CD4-L2) and the Historic District. (This application was postponed at the April 26, 2018 Planning Board Meetings).

Voted to postpone to the June 21, 2018 Planning Board Meeting.

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IV. PUBLIC HEARINGS – NEW BUSINESS

A. The application of **Christopher and Tracy Kozak, Owners**, for property located at **28 Walden Street**, requesting Conditional Use Permit approval to create a one-story, one room garden cottage in an existing building, with 371 s.f. of gross floor area and a footprint of 410 s.f., with associated paving, lighting, and utilities. Said property is shown on Assessor Map 101 as Lot 19 and lies within the General Residence B (GRB) District and the Historic District.

- 1. Voted to grant a waiver from 10.815.33 for window height.
- 2. Voted to find that the application satisfies the requirements of 10.815.40.
- 3. Voted to grant the conditional use permit as presented, with the following stipulation:
 - 1. In accordance with Sec. 10.815.50 of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with all standards of Sec. 10.815, including the owner-occupancy requirement, and shall renew the certificate of use annually.

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B. The application of **Mark C. Therrien, Owner**, for property located at **6 Vine Street**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 12' x 16' deck where a 10' x 16' patio was approved as part of a previous approval by the Planning Board on March 19, 2015, with 192 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 233 as Lot 107 and lies within the Single Residence B (SRB) District.

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

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C. The application of **Carolyn McCombe, Trustee; Elizabeth Barker Berdge, Trustee; and Tim Barker, Owners**, for property located on **Martine Cottage Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 1,840 ± s.f. single family home with associated garage, septic system and driveway, with 14,022 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 202 as Lot 14 and lies within the Rural (R) District.

Voted to **postpone** with a referral back to the Conservation Commission for further review and comment on a plan that reduces the overall impact and incorporates more of the recommendations from the Planning Staff.

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D. The application of **Daniel and Shea N. Cook, Owners**, for property located at **150 Brackett Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer to replace an existing 570 ± s.f. deck with a proposed 892 ± s.f. deck and conversion of 443 ± s.f. of asphalt to porous pavement, with 1,996 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 207 as Lot 72 and lies within the Single Residence B (SRB) District.

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

- 1. Architectural floor plans submitted with the application are not part of this approval.

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V. PRELIMINARY CONCEPTUAL CONSULTATION REVIEW

A. The application of **Torrington Properties, Inc. and Waterstone Properties Group, Inc., Applicants**, for property located at **428 Route 1 By-Pass**, requesting Preliminary Conceptual Consultation review for a mixed use development.

Presentation was done by applicants. No action required.

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B. The application of **Connect Community Church**, for property located at **200 Chase Drive**, requesting Preliminary Conceptual Consultation review for a multi-unit residential building.

Presentation was done by applicants. No action required.

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VI. OTHER BUSINESS

A. The request of **Borthwick Forrest, LLC, Owner**, for property located **off Proposed Subdivision Road to be Created off Borthwick Avenue**, for an eighteen (18) month extension of Preliminary and Final Subdivision Approval which was granted by the Planning Board on May 18, 2017.

Voted to grant a six month extension of Preliminary and Final Subdivision Approval, to expire on November 18, 2018.

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VII. CORRESPONDENCE:

A. Letter from Robin Albert Lehman, dated May 6, 2018, regarding future housing project at 140 Court Street.

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VIII. ADJOURNMENT

It was moved, seconded, and **passed** unanimously to adjourn the meeting at 11:00 p.m.

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Respectfully Submitted,

Jane M. Shouse,
Acting Secretary for the Planning Board

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM

May 17, 2018

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

ALSO PRESENT: Juliet Walker, Planner Director

MEMBERS ABSENT: Jeffrey Kisiel, Corey Clark, Jay Leduc

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I. APPROVAL OF MINUTES

- A. Approval of Minutes from the April 19, 2018 Planning Board Meeting;
- B. Approval of Minutes from the April 26, 2018 Planning Board Meeting.

City Council Representative Perkins moved to approve the minutes from the April 19, 2018 and April 26, 2018 Planning Board meetings, seconded by Ms. Record. The motion passed unanimously.

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II. PUBLIC HEARING – REZONING REQUEST

*The Board’s action in these matters has been deemed to be legislative in nature.
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that issue should be raised at this point or it will be deemed waived.*

- A. Request of **Clipper Traders, LLC** for Zoning Change from Office Research (OR) and Transportation Corridor (TC) to Character District 4 West End (CD4-W) and Character District 4 Limited2 (CD4-L2), for property located at **105 Bartlett Street**, Tax Map 157, Lots 1 & 2; Tax Map 164, Lots 1, 2, 3 & 4 (also shown on Tax Maps 139 and 144). (This request was postponed from the April 26, 2018 Planning Board Meeting).

Chairman Legg read the notice into the record.

Vice Chairman Moreau recused herself from this application.

Planning Director Juliet Walker provided an overview of the proposed changes. The public hearing for the petition for rezoning is continuing. When the petition came to City Council the original request was to extend CD4W and the West End Overlay District all throughout the property. The first time this was presented to the Planning Board the Planning Department made a few suggestions to address some of the concerns that were heard from the public. The initial proposal was to do CD4W from the front portion of the property to the middle of the site, then CD4-L2 in the back end of the site. The remainder of the site would be zoned Office Research (OR.) It was also recommended to change the zoning height and scale it back from Bartlett St. toward Maplewood Ave. This resulted in a maximum height on the site toward Maplewood Ave. be one story or 25-feet in height. This would help transition from intense development around Bartlett St. to a less dense development area in the back part of the site. It was also recommended to increase the block length to 100 feet. There were some housekeeping updates made to include the new building types, façade types etc. that are allowed in other districts. The changes proposed adding a new height area for character districts of one story or 25 feet. It could go up to 2-stories or 35 feet with incentives. There was a discussion about how to accommodate underground parking without impacting the building height. One of the ways was to allow a ground story of 9 feet. The off street parking standards that were adopted last September were incorporated. The community space requirements, which in this area requires a greenway multi-use path, were clarified. This is different than other parts of the City because this is part of the Master Plan. Based on the public hearing from last month the Planning Department took another look at the zoning. The main points the Department heard were to modify the height further to match the neighborhood and pay attention to preserve the views of the pond. Also, moderate the types of use specifically ones that would use increase noise. The revisions include limiting CD4-L2 even further to Langdon St. The remaining area of the site beyond that would be OR. That zoning could be changed in the future or stay OR. The proposed district was kept the same. The change made in the height area was to further reduce the one story height from a 25-foot maximum to a 20-foot maximum. The maximum height would be 30 feet with incentives. The area in green on the exhibit would allow 3 stories or 40 feet or 3.5 stories because it allows for an attic. With a density bonus it would allow up to 4 stories or 50 feet. The next area allows for 2 story buildings with a 35-foot maximum height. The density bonus would allow 3 stories and a 40-foot maximum. The final area would allow for a 1-story building with a 20-foot height allowance. The block length would remain 80 feet unless incentives were met, then it could be 100 feet. A requirement was added to preserve the public view corridors. The allowance for a 1 story recessed connector was removed. The commercial liner building requirement was removed. This requirement was removed for this site because it doesn't front on a public street. The developer proposal is for a private street. There were some table of use modifications. It did not make sense to have an indoor performance facility without further review. Now it's a special exception that would need to be reviewed. Ms. Walker was not suggesting that a performance facility was being proposed, but the change was made as a precaution. There was public concern about outdoor uses. One allowance currently is that restaurants are allowed to have an outdoor café without any special exceptions. A requirement has been added for the districts that any extension of an indoor café or restaurant would need an additional conditional use permit. The other uses allowed in the districts the Planning Department thought were appropriate. It's a mixed-use area that transitions to a neighborhood area.

Ms. Begala requested clarification on the performance facility. The current zoning ordinance occupancy allows for 500. The change would allow more than 500 without special exception? Ms. Walker responded that the change is meant to further regulate the facility allowance. Ms. Walker

noted that she would look at the language to make sure it's clear. The intention is to not make it an outright use without a special exception.

City Council Representative Perkins requested clarification on the CD4-L2 map in the zoning amendment. Ms. Walker responded that the proposal was to reduce the CD4-L2 zone to between Cabot St. and Langdon St. An additional 11x17 handout was provided to show the boundaries. City Council Representative Perkins clarified that when it was official it would be updated? Ms. Walker confirmed that was correct. The handout was an example of what the zoning map would look like. City Council Representative Perkins commented that she knew why they made the change to have outdoor dining an accessory because of the waterfront, but there are other CD4 areas. Ms. Walker responded that it was not a new issue to think about how to regulate outdoor cafes. It makes sense to have it regulated in some fashion as an accessory use. The change was made to more than just this district. It makes sense to have an additional level of review. Most applications are coming in for the site plan review anyway. It impacts surrounding properties.

Ms. Begala requested to see a 3-D version of the suggested changes and the incentive overlay to show the difference. Ms. Begala had read through the dense public comment. There are all sorts of points made in letters that she agreed with. Where is this application in the overall process? Would an environmental or health study be done now, or during the site plan? Ms. Walker responded that they jumped ahead to have the developer's proposal because they do have a 3-D model that shows what they would do with the suggested zoning. This is a zoning amendment request that the Planning Board has had public hearings on. They can continue to have a public hearing or vote to recommend this to the City Council. Then the City Council will have four meetings. One would include a public hearing. Then it would go to the zoning board. After that the conceptual review process would begin. No formal studies or site plan have been submitted. The developers need subdivision approval. That could technically be done under the current zoning. Then they could move it into the new zoning as they go. Then the project would need to go through the Technical Advisory Committee (TAC) review. Then it would go to the Planning Board. The site approval process would go to TAC, the Conservation Committee and the Planning Board. A third party review is often recommended. The zoning review comes as a legislative function to evaluate the plans consistency with the Master Plan and the intent of the ordinance. Zoning does not get to the level of specificity like environmental contamination. It is broadly applied. The subdivision approval and site plan approval is when those details are addressed. Subdivision approval looks at the development disbursement, drainage, streets and open spaces and how they are situated. It also accounts for traffic and parking. That is all under the Planning Board. The site plan approval looks at a safe and orderly development of the site. It also looks at the protection of natural resources, protection of the abutters, adequacy of infrastructure, traffic and the preservation of historic character. Not to say issues shouldn't be raised during zoning, but it is good to be aware of the stages. There is another layer of state and federal requirements that the developers will need to meet as well.

Mr. Gamester wondered if there were plans for a railroad overpass at the Bartlett Street intersection. Ms. Walker responded that there was nothing specific. One of the challenges of the Bartlett Street location is the proximity of the railroad. The area is certainly a topic that is present on the City's list of issues. A connector at Bartlett St. out to Route 1 would address the issue and improve the traffic flow. That would be part of the traffic study for this property.

Ms. Begala commented that the Board should look at what is possible for this property and the bonus incentives in order to get the community bike path. It seems like one possible solution to get a green space in alignment with the Master Plan. What if DES doesn't allow the green space along the North Mill Pond? Would it be appropriate to talk about rezoning Lot 5 to NRP? What would be required to do that? Ms. Walker responded that making a zoning amendment doesn't automatically result in a land use. If it was NRP it wouldn't automatically become green space. It would require investment and the current developers would not fund that. It would take some serious investment from the City. The North Mill Pond is just one component, but a significant one for this plan. There are other green space opportunities in this area. The neighbors already informally take advantage of the area. It would allow the public to take advantage of this area.

Brandon Holben from Winter Holben Architecture and Design provided a walkthrough of the general process. The goal was to be consistent with the Master Plan. A lot of the feedback called for more dense housing and more affordable housing with some potentially bigger buildings if needed. People keep moving to Portsmouth. There are layers to the site. One is the railroad. A series of buildings would be nestled between the water and the tracks. The simple structures may feel like they have been there in the past. Mr. Holben showed the view corridors for Dover St., Cabot St., and Langdon St. The buildings were pulled back to maintain the view. Mr. Holben showed a 3-D model of a proposed development with the existing neighborhood buildings. The scale of buildings varied in the neighborhood.

Ms. Begala questioned if the railroad was there before the buildings. Mr. Chagnon responded that the area between Islington St. and the pond in the 1800s was the outskirts of the City. It was subdivided in the 1840s. The subdivision consisted of Dover St., Cabot St. and Langdon St. The railroad came after that. It started as a residential area, and then the railroad came. That's why there are some oddly shaped lots. Ms. Begala wondered if part of the railroad could be turned into a green space. The railroad could be covered by a tunnel that could be turned into a park. Mr. Chagnon responded that he was not the person to answer that.

City Council Representative Perkins acknowledged that this hearing was just for zoning but was curious to know more about where the building layout came from. A large amount of public concern is about the fence and how far down the buildings go. Mr. Chagnon responded that they were asked to show a plan to show the potential. The existing sewer line dictates a lot of the site layout. There can be alternatives as the plans develop. City Council Representative Perkins noted that it's a great reuse of the land and great project. It should incorporate some feedback from the public about the layouts.

Attorney Tim Phoenix followed up on City Council Representative Perkins' question. Other drivers for the development plan were trying to comply with the recommended changes and maintain the view corridors. They also needed to comply with the setbacks from the pond and the railroad and greenway. The project has to be viable financially. Keep in mind that what could be built there now as an OR zone would be buildings up to 60 feet in height. There would be no block limit. It's a balance. Some views are lost when the buildings are built in front of others. This is consistent with good planning and good zoning. Mr. Phoenix asked the board to make recommendation.

Ms. Begala clarified who the owner of the property was currently? Mr. Phoenix responded that it was the railroad. Ms. Begala clarified that this was talking about a projected owner. Mr. Phoenix confirmed that was correct.

Ms. Walker followed up on Ms. Begala's question from earlier. There was an error on the slide proposal. It should be to regulate the performance venue of up to 500 people.

Public Hearing

John Wyckoff of 135 Sparhawk St was in support of the zoning change. It was better to have it residential over OR. Mr. Wyckoff cautioned that the plans as presented needed to be refined and will be worked on throughout the meetings. The City needs to start to look at the traffic on Bartlett St. This whole situation needs to be looked at. Until that happens Mr. Wyckoff could not support more development.

Elizabeth Bratter owns properties at 159 McDonough St., 342 Cabot St., 177 Bartlett St., 2 Clinton and 48 Clinton St. Ms. Bratter asked the Board to picture the Safeway building and put two of them together. Then put them behind your backyard or in front of your house. That is only 180 feet long. As the zoning is discusses remember this image and what that would do to the property value, increased noise, extra light, less sunlight and increased traffic. Something bigger than this is being proposed. Lot 5 has nothing there right now other than the old building that the marine store is using. The only noise is from the Clipper Trader trucks, the former fishing plant and the brewery and doggy daycare.

Jon Sandberg of 160 Bartlett St. noted that his neighborhood association had a meeting and all agreed that they approved of the project. The only caveats were that there needed to be a traffic study and any historic buildings should be preserved. Anyone who has been paying attention to Portsmouth knows there has been a lack of housing. If the City wants to add as much housing as possible, then this is a good opportunity for that. Everyone wants Portsmouth to be a place where young people can thrive and that won't happen without more affordable housing. Traffic on Bartlett St. will have an increase with the project on Cate St. If this project isn't approved that would be a problem because one traffic mitigation would be the bike path with this project. The bike path proposed on Cate St. could continue to Maplewood Ave. eventually. People would be able to cycle safely all the way downtown. This is a critical part of the traffic solution.

Albert Sampson of 217 Broad St. spoke in favor of the applicant. The lack of residential housing is the root cause of the issue. It would help Portsmouth by creating housing and making sure that area is safe and passable for biking and walking. Mr. Sampson supported the plan and trusted this approval would be positive for the community.

David Knorr of 20 Islington St. commented that this is an enormously complex project. Because of the complexity of what needs to be done, there needs to be a very simple architecture model built to scale. No architecture detail. This is very difficult to keep in your head. The residents of Portsmouth would want as many details as possible before making a decision.

Steven Ball of 1745 Islington St. did not speak for or against the application. Mr. Ball expressed concerns about concessions given to the developers. The benefit given should be measurable when concessions are granted. The public access land would not be land available for development because of the wetlands. It would be on a dead end road. Would there be any public parking? Will the public be welcome? If it were a through walkway, then it would be a better public benefit. It seems to be limited value to the public.

Betty Schmid of 179 McDonough St. noted her main concern was that the zoning would allow property that would be 40 feet tall and 100 feet wide. It would be directly behind her home and there would be balconies and lighting on all night long. The residents at the end of McDonough St. has concern and would like to see the tallest structures in lot 5 be behind 135 McDonough St. Lot 5 should be rezoned to GRC with no exceptions in order to be consistent with the Master Plan. That would create a neighborhood consistent with McDonough St. and Clinton St.

Melissa Doerr of 304 Cabot St. was deeply concerned about the suitability of the site because it's a coal waste site. Assuming the health, safety and the environmental concerns are addressed the zoning changes should be consistent with the surrounding neighborhoods. It should be GRC to keep the size, scale and height consistent with the streets that are most impacted. Owners on McDonough St. and Clinton St. enjoy views that maintain property values. The height should be limited to GRC. The greenway may be incorporated, but the true value to the general population should be considered. It would be accessed only on Bartlett St. What is the likelihood it would connect to Maplewood Ave? How the would public access entry and exit points be positioned? A fence would be constructed to prevent foot traffic on the active railroad site. The residents on McDonough St. would only be able to access this on Bartlett St. These are a lot of if's that should be carefully considered.

Sally Elshout of 311 Cabot St. expressed concern about lot 5. Access to that area will be on Bartlett St. There are 92 units approved to go in near Plaza 800. It's already a congested area especially in the summer. The 3-D graphic was nice but didn't include a fence. What has been proposed for lot 5 is better than what's been there in the past. Ms. Elshout hoped the bike path would still be accessible to the public otherwise it would be a detriment to the community.

Rich Messenger of 304 Cabot St. commented that his preference was that this area remain a green area. It's attractive now and Portsmouth would be better served keeping it a green area. There are concerns about the views, increased sound, and traffic on Bartlett St. The railroad bridge should be widened. This would be better served to the community if it were kept green.

James Beal of 286 Cabot St. commended everyone that was part of the process. There were still major issues with the massing and height of the buildings. Most of the activity is focused on lot 5 nothing was said about lots 1-4. If it changes that will add massive potential revenue for the developers. The mass and height view corridors will affect abutters. The Safeway building is comparison. 135 McDonough St. is 33 feet. With incentives the developers have the potential to go to 45 feet. Although Mr. Hayes has never seen flooding, we are no longer living in that period of time. The requirements changed on Islington Commons due to two weather events in this year alone. This is the first time the public has seen the 3-D model. The vote should be postponed.

Jennifer Meister of 287 Cabot St. asked that the Board hold the vote until they can see an actual 3-D model. It's hard for the public to see tonight.

David Knorr of 20 Islington St. commented that the Board should defer voting.

Elizabeth Bratter owns properties at 159 McDonough St., 342 Cabot St., 177 Bartlett St., 2 Clinton and 48 Clinton St. Ms. Bratter noted that 200 pages of documents have been presented. Ms. Bratter did not have a chance to review what was presented late Monday afternoon, and did not think that the Planning Board had enough time to review it either. There are so many amendments because the zoning doesn't fit lot 5. The Planning Department is trying to fit their needs. In the last meeting it was mentioned they had to make the zoning be consistent with the zoning of the neighborhood and make it match the development concept plan. They have gone out of their way to do that. Mr. Cracknell stated that CD4-L2 was consistent with the neighborhood. However, that area of the railroad tracks has the least amount of residential land there. It must fit better as GRC. CD4W should not have been considered for lot 5 at all. The only building on lot 5 is the one building that the marine company is using. It's basically undeveloped. OR does not allow residential buildings, but it does allow for less intense business. The Planning Board can leave this as OR and if it stays as OR then 2 buildings may be able to fit on it. If it goes to CD4W then 200-foot long buildings with 15-30,000 square foot footprints and a height of up to 45 feet tall can go in. There would be no side yard setbacks. The only zone that should be considered is GRC. Lots 1-4 should be CD4W. All of the rest of the buildings directly abut a GRC zone. The Planning Department can amend the building heights from Dover St. to Cabot St. If the condos were 100 feet with space between them, that would be nicer. Ms. Bratter asked that they make an amendment to not allow retail or commercial buildings in the CD4-L2 area because it's a private drive. Anything that abuts on a private drive doesn't need a required commercial liner.

James Beal of 286 Cabot St. noted that one of the things that keeps coming up are issues that are for site plan. For residents this is the only way to protect the integrity of the neighborhood. Once the rezoning is done it doesn't hold the developer to what is zoned. Mr. Hayes may have the best intentions, but Mr. Beal has seen other properties not get finished or passed to other developers. The Cate St. project has already changed developers. The Martingale Wharf building spent months unfinished because the developer didn't think it was financially feasible. The Navy Prison couldn't be redeveloped because of health issues. Resident's are making their voices heard, so that when zoning is redone it protects neighbors.

Melissa Doerr of 304 Cabot St. agreed with Mr. Beal. There is a time and place for concerns ahead, however if residents don't speak up and voice concerns then it's sometimes too late. The 62-page memo put out Monday was very difficult for the public to digest and conceptualize. This project needs an actual 3-D model before a vote is made. The Board should consider 7 days to allow time for review. Ms. Doerr circled back to her concerns about the suitability of the site. It is a coal waste site. The developers may not be aware of this and are not investing time right now to evaluate. What happens if the developers get in this and realize they are over their head? Any zoning change is permanent. Ms. Doerr requested further study of the site. The Board should carefully consider the impact on the environment. The pond does have its problems. The residents have made efforts to clean up this tidal pond. They enjoy the views and value the protection of the ecosystem. Ricci Lumber sponsored many of the cleanups and they have been very active in those efforts. Ms. Doerr asked the Board to carefully consider the impacts.

Elizabeth Bratter owns properties at 159 McDonough St., 342 Cabot St., 177 Bartlett St., 2 Clinton and 48 Clinton St. Ms. Bratter reminded the Board that if they leave this CD4W, then it's a massive amount of zoning. These would be huge lots. The buildings would be 200 feet long and don't have to have side yards. This is a permanent decision.

Ed Hayes, owner of Ricci Lumber and Portsmouth Lumber and Hardware, thanked everyone for their time and appreciated everyone's comments. They were all articulate and respectful. Mr. Hayes is a local businessman who went to PHS and worked for Ricci Lumber for a long time. The new building in CD4W is representative of what they want to build. This is a unique opportunity that has not been available to the City of Portsmouth for 200 years. The trail will be 3,700 feet long from Bartlett St. to Maplewood Ave when it is complete. They have agreed fully to the terms for a parcel of land that will extend all the way to the salt pile. The same purchase and sale, which is signed, has an easement that will connect from Langdon St. to Maplewood Ave. Any land owned now or in the future will allow the City to have an easement for the bike trail. The North Mill Pond is special to all of the residents. It's a cool spot. It has been neglected for a long time. Mr. Hayes pledged to improve the area to make it more nature friendly. Rain gardens would be added and more trees would be added as needed. There may be environmental issues and they will be addressed as they arise. 90% of Portsmouth was fueled by coal Mr. Hayes agreed that there are probably issues there. They will be addressed the right way. This project is an immense value to the public that is tangible. The easement to the City will allow a public benefit. The hope is to build the path within 50 feet of the pond. When they give the land to the City that's forever. The intent is to make it legal for people to enjoy it forever. The view corridors are maintained on Dover St., Cabot St. and Langdon St. Mr. Hayes asked the Board to hold vote tonight.

Melissa Doerr of 304 Cabot St. noted that this view corridor change was very important to her. That's not a guarantee with an active railroad and this density of residential development. The likelihood is that the railroad or a developer will want to fence that off and block that. What is the benefit to the surrounding neighborhood if that is blocked off? The view corridor will only happen if the streets are open as they are today.

Discussion and decision of the Board

Ma. Begala moved to postpone the vote until the Board could see 3-D models of the existing conditions and the proposed zoning.

There was no second, so the motion failed.

Mr. Gamester moved to recommend to the City Council the zoning change, as presented and amended by City staff, seconded by City Council Representative Perkins.

Mr. Gamester commented that there was certainly a lot going on with lot 5 in particular. Although it may seem like City staff is doing something for the applicant. It's the applicant that brought forth the proposal and the City worked with the applicant to refine the proposal. The Board is not recommending approval to City Council of what the applicant brought forward. It has been refined. There will be additional input at the City Council level. There is a lot of information. This presentation

showed what the project could be. It is not the project. The Public has said they will be stuck with the zoning. If that were true then it would be OR forever. Mr. Gamester was excited to see any project come forward because it will be scrutinized.

Ms. Record was glad that Mr. Gamester stressed they were looking at the zoning not the project. Ms. Record thought that it would be a great project to be zoned residential, and was not sure she agreed with the proposals for CD4W and CD4-L2. The whole thing should be CD4W.

Ms. Begala expressed concern about the mass and height that could come with the proposed re-zone. It should stay GRC in alignment with the surrounding neighborhood. No one is talking about affordable housing. While it is more housing it may not be affordable. Ms. Begala did not think the intent of the Master Plan had been followed in terms of public views. The view corridors and a bike path do not answer the public views. The North Mill Pond is a special entity. This rezoning does not fit with the Master Plan. It should stay within the character of GRC.

City Council Representative Perkins agreed with Mr. Gamester. The Board was there to consider what is the right zoning for the parcel. The housing section in the plan is to promote housing density and affordability. There have been some high quality comments and everyone has been respectful and well researched. There was concern about an indoor performance venue, and that's been restricted. There was concern about the noise and that has been regulated. There was concern about the height and that has been reduced. It's been an iterative process and it's only the beginning. Tonight the Planning Board will vote if this is consistent with the Master Plan. This zoning proposal supports the Master Plan entirely.

Ms. Record noted that it was not more affordable housing. It is just more housing. The green space is not a trade off for that.

Deputy City Manager Colbert-Puff was very pleased with the changes that have been put forward. This is a balancing act. This proposal has been difficult for the Board because it's been intertwined with an image of a project. This is a zoning change not a project proposal. This is in line with the Master Plan and potentially a big win for the City.

Chairman Legg appreciated the number of people that spoke. The Public has been well informed and respectful. They have already made a difference. They will continue to be active if this does go forward. It is difficult to separate a tentative project from the zoning. The task is to recommend a change to zoning. A project is not getting approved tonight. Chairman Legg noted that he would vote in favor because Portsmouth needs more housing. They can only do it with density.

The motion passed by a vote (5-2.)

Ms. Walker commented that the next step is for this to go to City Council. This is out of the Planning realm. There is a separate page on the Planning webpage that has all the information from these meetings. It will also include more information from City Council. If the Public has any questions, then they can contact the Planning Department.

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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 will be deemed waived.*

A. The application of **Thirty Maplewood, LLC, Owner**, for property located at **46–64 Maplewood Avenue** (previously 30 Maplewood Avenue), requesting Site Plan Approval for a proposed 5-story mixed-use building with a footprint of 17,410 ± s.f. and gross floor area of 53,245 ± s.f., including 22 dwelling units and 13,745 ± s.f. of retail use, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 125 as Lot 2A and lies within Character District 4 (CD4), the Downtown Overlay District (DOD) and the Historic District. (This application was postponed at the April 19, 2018 Planning Board Meeting).

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Mr. Chagnon from Ambit Engineering spoke to the application. This application was presented in February. The project has not changed since that time. They looked at the additional stream precipitations and updated the model as requested. The drainage analysis was appropriate and the Planning Department has a list of recommendations. Mr. Chagnon noted that stipulation 2 in the staff memo should be eliminated. The applicant met with DPW and the Planning Department. The easement for the 238 Deer St. property has changed hands. They came before the City and permit process and were made aware of things they need to do. That stipulation is no longer necessary.

Ms. Begala questioned if they would be looking at future plans for flooding. Mr. Chagnon responded no, because this is not in the flood zone. Ms. Begala clarified that is was not in the 50 or 100-year flood zone. Mr. Chagnon responded that the ground around the building and the lot is higher than the flood elevation.

Mr. Gamester requested clarification on stipulation 2. Mr. Chagnon responded that there is a utility pole on Deer St. that is scheduled to be removed by the Deer St. Associates project. It is currently the VFW building. The service is on the side of the building going to the pole. There may be a need to cross over if they choose to do an underground service. They need to look at that themselves and decide what they want to do. It is their responsibility to wait for them to do something. Ms. Walker recommended that the stipulation remain. It is not an onerous stipulation to applicant.

PUBLIC HEARING

Chairman Legg 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. Gamester moved to grant Site Review approval, seconded by Vice Chairman Moreau with the following stipulations:

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

1. Final electrical design, including sidewalk clearance where electrical conduit enters the building, shall be reviewed and approved by Eversource and confirmed with the Planning Department.
2. The applicant shall meet with DPW and Planning to confirm applicant's responsibilities for any required easements for electric service at 238 Deer St.
3. The following note shall be added to the site plan: "Foundation to be designed to be water tight at the basement level. Foundation design/construction shall minimize groundwater effects by using appropriate backfill and other methods under and around the foundation and, if necessary, by raising the elevation of the basement/foundation. A qualified geotechnical engineer shall evaluate the groundwater condition during excavation to determine any recommended adjustments. Any proposed permanent discharges into the City's stormwater system shall be quantified and shall result in no net increase in rate of peak flow from existing conditions and shall require review and approval by DPW and a stormwater discharge permit as well as a site plan amendment."
4. The Silva Cell detail shall be approved by DPW.
5. Sheet C5-Note 6 shall be revised to indicate that grease trap inspections shall occur not less than two times per year.
6. The applicant shall provide fair share contributions for additional off-site improvements as follows: 1) half the estimated costs of the pavement and overlay of portions of Deer Street and Bridge Street (\$47,812); 2) a fair share allocation of the Russell Street intersection improvements (\$5,000); 3) a fair share allocation to the cost of the Downtown Circulation Study (\$7,000); and a fair share allocation of the water main replacement on Deer Street (\$52,000).
7. The easement deed for the pedestrian easements shall be reviewed and approved by the Planning and Legal Departments and accepted by City Council.
8. The required licenses for permanent improvements in the City right-of-way shall be reviewed and approved by the Planning and Legal Departments and approved by City Council.
9. The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of site improvements within the public rights-of-way.
10. 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.
11. 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 issuance of a certificate of occupancy)

1. The contractor shall provide shop drawings for all improvements in the ROW for approval by DPW prior to construction.
2. A sewer discharge permit is required and should be sent to the City Engineer for review and signature.
3. A third party inspection shall be required on all constructed off-site improvements.

Mr. Gamester requested clarification on Mr. Chagnon’s statement about it not being their responsibility. Ms. Walker explained the stipulation. It brings clarity to the situation and makes sure all properties are aware of the situation. It is to make sure the issue doesn’t fall by the wayside.

The motion passed unanimously.

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B. The application of **175 Gosport Road, LLC, Owner, and Michael Clark, Applicant,** for property located at **175 Gosport Road,** requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal and inland wetland buffer to demolish an existing pool house and pool area and construct a new pool house, pool, garage, dock and driveway expansion, with 11,075 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 224 as Lot 1 and lies within the Single Residence A (SRA) District. (This application was postponed at the April 19, 2018 Planning Board Meeting).

Chairman Legg read the notice into the record.

Mr. Gamester moved to postpone to the application to the June 21, 2018 Planning Board Meeting, seconded by Assistant City Manager Moore. The motion passed unanimously.

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C. The application of **Islington Commons, LLC, Owner, for** property located at **410, 420, and 430 Islington Street,** requesting Site Plan Review to remodel three existing buildings into 4 units (Building #1 with 1,315 ± s.f. footprint and 1,906± s.f. gross floor area, Building #2 with 999± s.f. footprint and 1,894± s.f. gross floor area, Building #3 with 1,964 ± s.f. footprint and 5,429 ± s.f. gross floor area); and construct 3 duplex buildings and a single dwelling unit for 11 proposed units (Building #4 with 1,799± s.f. footprint and 4,375± s.f. gross floor area, Building #5 with 1,280 ± s.f. footprint and 2,752 ± s.f. gross floor area, Building #6 with 1,997 ± s.f. footprint and 5,054 ± s.f. gross floor area, Building #7 with 2,014 ± s.f. footprint and 4,725± s.f. gross floor area), with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 145 as Lots 34, 35 and 36 and lie within the Character District 4-Limited2 (CD4-L2) and the Historic District. (This application was postponed at the April 26, 2018 Planning Board Meetings).

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Mr. Chagnon from Ambit Engineering spoke to the application. This application was here in February and at that time Mr. Chagnon gave a detailed presentation. Due to length of agenda, Mr. Chagnon addressed the issue. At that meeting Mr. Clark requested the applicants look at the extreme precipitation and the drainage analysis further. Mr. Chagnon has performed additional analysis and worked with the DPW. Revisions and comments have gone back and forth with DPW. It was determined that the best route to go was to have a third party peer review on the drainage. That did

happen and the memorandum was issued yesterday. Mr. Chagnon has gone back and forth with the third party reviewer to respond to comments. Mr. Chagnon believed that all issues raised would be able to be worked out with the City Engineer. The revisions would not impact the lot layout.

Vice Chairman Moreau read through the letters. Her biggest concern was to make sure the City was comfortable doing that negotiation and the abutting neighbors would not have flooding on their properties. If there is additional runoff and the water table is raised on the abutting properties, then it could cause flooding in the abutting properties. Vice Chairman Moreau was comfortable moving the application forward as long as the Planning Department was comfortable. Mr. Chagnon responded that in his opinion they are not in any way putting more water on the neighboring property than exists today. In the existing condition the watershed goes down from Islington St. toward State St. and runs off to the west. In the proposed conditions the water is treated before it exits. The material was not as clear as it could be Mr. Chagnon felt comfortable sitting down to explain the material with the Planning Department.

Ms. Begala noted that the buildings up near Islington St. are 2-2.5 stories. Are they one story at the back of the property? Architect Rob Harbeson responded that they are all essentially 2.5 stories tall. There is a ground floor, living floor and then an attic space. Ms. Begala noted that should be indicated on the plan. Mr. Harbeson confirmed that could be added to the plan.

Mr. Gamester noted that the Board often sees letters go back and forth from third party engineers. How often is it that the Planning Staff, third party engineer and applicants are in the same room? Ms. Walker responded that comments are generally provided to the City and applicant at the same time. At this point the Staff has had a chance to do a preliminary review of the response. The next step would likely be a sit down. Mr. Gamester noted that it seemed like the applicant would like to move forward and would like to sit down with the City. Is the applicant willing to take the risk that they may have to come back to the Planning Board if the City finds a significant change was needed? Mr. Chagnon responded that they were willing to take the risk. Mr. Chagnon believed they could work out the differences and explain how the storm water is in the model. There are a lot of things going on. It is a small site. There is a lot of different ways to look at it. Mr. Chagnon was comfortable that this site would work as it was laid out.

PUBLIC HEARING

Derek Durbin from Durbin law was present representing Islington Commons LLC. This Board is aware of the overall drainage design and the site constraints. This project has been thoroughly vetted. Mr. Durbin has sat with this group for the past year to work with the City to resolve concerns that have arisen. This application came in front of the Board last February. Valid concerns were raised. The applicant has addressed the concerns and made the concessions necessary to have the strongest possible project. The remaining outstanding items are minor and technical in nature. They would not impact the overall layout of the site or the drainage design. The applicant's engineer feels comfortable taking the risk. They can work through the remaining issues with CMA and the City. The applicants are local and invested in the project. Mr. Durbin hoped the Board granted a conditional approval.

Chairman Legg 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 site plan approval with the stipulations in the revised Staff Memo for sake of discussion, seconded by Mr. Gamester.

Vice Chairman Moreau questioned if the DPW was comfortable that they could sit down and resolve these issues with the applicant? Ms. Walker responded at this point no. Ms. Walker did not have commitment from the DPW that the issues had been resolved. This has gone back and forth many times and now has a third party reviewer. That speaks to the complexity level. However, just because DPW wouldn't approve it at this point, it doesn't mean it can't be worked out at a technical level. Vice Chairman Moreau noted that if DPW is not happy with the solution, then it just has to come back to the Planning Board anyway.

Deputy City Manager Colbert-Puff appreciated all the work that went into the project, and wanted to be mindful of that. However, drainage has been a big issue on this site and the ponding of water has been a primary issue. The letter from the third party reviewer identifies issues that have not been resolved yet. The City could handle this, but it's the Planning Board's responsibility to see that it's resolved.

City Council Representative Perkins noted that this project is moving in all the right directions. The City could facilitate this and the Planning Board could move the application forward.

Assistant City Manager Moore read the responsibilities of the site review regulations and the Planning Board has an obligation to see adherence to the regulations. The Board can't do that tonight. Assistant City Manager Moore was more comfortable with a postponement.

Chairman Legg noted that it's a much better project than when it came to the Board originally, but it's all about drainage. The drainage is still not resolved. This is a complex site. Chairman Legg did not support the application moving forward based on Ms. Walker's concern about whether or not City Staff can negotiate a resolution. It's this Board's responsibility to see that resolution.

Vice Chairman Moreau withdrew the motion, seconded by Mr. Gamester.

Vice Chairman Moreau moved to postpone to the application to the June 21, 2018 Planning Board Meeting, seconded by Mr. Gamester. The motion passed unanimously.

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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 will be deemed waived.*

A. The application of **Christopher and Tracy Kozak, Owners**, for property located at **28 Walden Street**, requesting Conditional Use Permit approval to create a one-story, one room garden

cottage in an existing building, with 371 s.f. of gross floor area and a footprint of 410 s.f., with associated paving, lighting, and utilities. Said property is shown on Assessor Map 101 as Lot 19 and lies within the General Residence B (GRB) District and the Historic District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Tracy Kozak spoke to the application. Ms. Kozak showed plans for the house. Ms. Kozak has lived in the area for 19 years. The house has been like that since before they were there. In the '80s it was used as a commercial bakery. When the bakery left it became an extended part of the household. Ms. Kozak thought it would be better served as a garden cottage.

Ms. Begala questioned if the 371 square feet included the loft. Ms. Kozak responded that it did not. The loft is 90 square feet and five feet high. It is more of a storage area.

PUBLIC HEARING

Chairman Legg 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 a waiver from 10.815.33 for window height, seconded by Mr. Gamester. The motion passed unanimously.

Vice Chairman Moreau moved to find that the application satisfies the requirements of 10.815.40, seconded by Mr. Gamester. The motion passed unanimously.

Vice Chairman Moreau moved to grant the conditional use permit as presented, seconded by Mr. Gamester with the following stipulation:

1. In accordance with Sec. 10.815.50 of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with all standards of Sec. 10.815, including the owner-occupancy requirement, and shall renew the certificate of use annually.

The motion passed unanimously.

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B. The application of **Mark C. Therrien, Owner**, for property located at **6 Vine Street**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 12' x 16' deck where a 10' x 16' patio was approved as part of a previous approval by the Planning Board on March 19, 2015, with 192 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 233 as Lot 107 and lies within the Single Residence B (SRB) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Mark Therrien spoke to the application. Mr. Therrien explained that the conditional use permit was to build a deck. The proposal moved it 4 feet further away from the buffer.

Ms. Begala questioned how extending a deck results in better infiltration of water? Mr. Britz responded that it's because it's more pervious. The water can go through the deck into the ground. Mr. Therrien added that he went in front of the Conservation Commission last week and they approved it.

Vice Chairman Moreau asked Mr. Britz about the pavers in the ground. Mr. Britz responded that the pavers are the impact. That's the only impact.

PUBLIC HEARING

Chairman Legg 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. Gamester moved to grant Conditional Use Permit approval, seconded by Deputy City Manager Colbert-Puff. The motion passed unanimously.

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C. The application of **Carolyn McCombe, Trustee; Elizabeth Barker Berdge, Trustee; and Tim Barker, Owners**, for property located on **Martine Cottage Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 1,840 ± s.f. single family home with associated garage, septic system and driveway, with 14,022 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 202 as Lot 14 and lies within the Rural (R) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Mr. Chagnon from Ambit Engineering spoke to the application. Mr. Chagnon requested the opportunity to go back to the Conservation Commission again to discuss what would be acceptable for this.

PUBLIC HEARING

Robert Najar of 10 Martine Cottage Road is a direct abutter. Mr. Najar welcomed the opportunity for this to be revisited with the Conservation Commission. Mr. Najar was supportive of finding a solution. It's a challenging site. Wetlands rules have evolved and science has shown the importance of the wetlands. Mr. Najar hoped that the revised proposal was better than what has been presented.

Mr. Chagnon concurred that they would welcome the opportunity to try to do a better job to make this application more acceptable. If the Board had any feedback they would be all ears.

Chairman Legg 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. Gamester moved to postpone with a referral back to the Conservation Commission for further review and comment on a plan that reduces the overall impact and incorporates more of the recommendations from the Planning Staff, seconded by Vice Chairman Moreau.

Ms. Walker commented that there has been a lot of back and forth with the owner. Ms. Walker advised the applicants work with Staff and Peter Britz. The Conservation Commission may not be receptive.

Vice Chairman Moreau noted that the applicants have given the Board two different proposals. The first one Vice Chairman Moreau did not like at all. The second could have it pulled back even further to make it less impactful. It could be moved and designed in a way that has less impact.

Ms. Begala agreed that the building needs to be roadside and high on the property to protect the wetlands and vernal pools.

Assistant City Manager Moore questioned if there were any other categories of staff suggestions. Ms. Walker recommended reducing the size. Mr. Britz noted that the comments from the previous meeting recommended to bring the property closer to the road, remove the garage, and make it a three-story structure. Some of those suggestions were taken into the plan. They could do more. That said the Conservation Commission may or may not approve this.

Chairman Legg was not convinced that this property was suited for any property to be built on. Chairman Legg was not convinced that this would pass Conservation Commission. If they want to take another shot at it, then the Chairman supported it.

The motion passed unanimously.

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D. The application of **Daniel and Shea N. Cook, Owners**, for property located at **150 Brackett Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer to replace an existing 570 ± s.f. deck with a proposed 892 ± s.f. deck and conversion of 443 ± s.f. of asphalt to porous pavement, with 1,996 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 207 as Lot 72 and lies within the Single Residence B (SRB) District.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

John Chagnon Ambit Engineering spoke to the application. The application is to replace a deck. A drip apron will go under the deck and some porous pavement will be put in. The project meets the CUP criteria. The land is suited for this use. There is not a location outside the buffer. There is freshwater wetland to the north and a tidal setback to the southeast. There is only one small area out of the buffer. It is a small impact. The drip apron and the porous pavement will mitigate the impact. The deck will go in the same place. There will be no changes to the proposed buffer. There are some existing buffer plantings on the edge of the resource. The Conservation Commission recommended approval with conditions. The applicants have no issues with the conditions.

City Council Representative Perkins requested clarification on the house plans included in the packet. Mr. Chagnon responded that the applicant did some interior renovations that were approved under a different permit. That may have slipped in the packet. Ms. Walker clarified that the approval has nothing to do with the extra documents.

PUBLIC HEARING

Chairman Legg 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. Gamester moved to grant Conditional Use Permit approval, seconded by Deputy City Manager Colbert-Puff with the following stipulation:

- 1. Architectural floor plans submitted with the application are not part of this approval.

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V. PRELIMINARY CONCEPTUAL CONSULTATION REVIEW

A. The application of **Torrington Properties, Inc. and Waterstone Properties Group, Inc., Applicants**, for property located at **428 Route 1 By-Pass**, requesting Preliminary Conceptual Consultation review for a mixed use development.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Josh Levy from Waterstone Development spoke to the application. Mr. Levy was excited to collaborate on this Route 1 project right next to the U-Haul property. The property is under contract. The deposit is non-refundable and the developers are committed to moving the project forward. A lot of effort and time was put in to deliver what the community wants and needs.

Attorney John Rosen spoke to the application. The property is 12 acres of land known as the Frank Jones Center. It is in the Gateway District. A road will be created to connect Cate St. to Borthwick Ave. A land swap exhibit showed 4 acres that would be under the developers control and swapped it with one acre of City owned land to create the road. Those details are still being discussed. It would

be a public benefit to have a public road. This project will also create 310 apartment units with 465 parking spaces and 27,000 square feet of retail space with 30 parking spaces.

David Snell of PCA Architects organized the site into 3 zones. The first is commercial and will be up against Route 1. It will contain a series of retail buildings, restaurants and cafes, and maybe a fitness center. There will also be a retail square. In the middle of the site are two 5-story residential buildings. Then it scales back down with 12 townhouse condos. The general thought is to have a large green space and amenity space. There would be a dog park up against the railroad. The rest of the site has parking for the units and retail. Mr. Snell included some inspirational images in the presentation. The goal is to create something special and do something good for the community. There is a lot of enthusiasm in the community and they look forward to the opportunity.

The Civil Engineer on the project spoke to the application. There is retail against Route 1, apartment buildings will be in the middle, and then greenery will be in the back. They are making the plans into a reality by making sure the turning radiuses and parking work. A dump truck and ladder truck have been driven around the site. All turns work with the site. They have met with the DPW about utilities. There is a sewer line that cuts across to Bartlett St. That needs to be maintained. The road will control it's own storm water. The site itself will maintain its storm water in chambers. An exploration of the site will involve test pits and soil tapping. This layout is generating less impervious surface area. It's a more efficient layout for the site. The lower right corner is the O'Neil property that is under construction. DPW noted that they would need to respect O'Neil's design and work with them as they move forward. The intent is to pull a driveway off the future road to the townhouses and allow for the second driveway for the O'Neil project to tie on. DPW commented that even though today the turn radius on Cate St. is quite small, they should try to meet required curbs. A 30 mph speed would require a 250-foot radius. A 25 mph speed would reduce that to 155 feet. There will be a 10-foot wide side path/bike trail that will connect to Borthwick Ave. and allow a connection to the proposed Borthwick path. Cate St. would have in road bike lanes. TAC has given feedback on the layout. The main concern was circulation around the layout. The team is working on that right now. Other comments included review what was discussed with Planning for the O'Neil project. The Fire Department had concern about one way in and out and the narrower driveway. It is understood that they will have to cooperate with the O'Neil project. This is still a pretty high-level concept and they will work with the City to move forward. Hodgson Brook runs along the property line and runs under the Route 1 Bypass culvert. Part of the reduced impervious cover in the project will address some storm water outfalls. Those will end up being discontinued. The road and bike path would be starting inbound by the existing edge and respecting the tree line. The bike trail has a 20 plus foot furnishing strip. The team intends to do some storm water treatment in that area. It will incorporate clean up of the Brook. The project will benefit the area and give the Brook more love. It will bring the site back to life.

Vice Chairman Moreau loved the overall idea. The pedestrian access coming into the new Cate St. is where the actual Cate St. is now right? The Civil Engineer responded that the exhibit showed the new road route. Vice Chairman Moreau confirmed that the pedestrian access would be for the residential neighborhood. The Civil Engineer confirmed that was correct. The access on Cate St. would be limited to pedestrians so bicyclists and pedestrians can continue over. The bridge can be a destination point. Vice Chairman Moreau liked that there were several openings to the site. One of the things that was nice to try to incorporate especially for outside the city center is public transit. Mr. Levy

responded that it could be incorporated in a couple of ways. They will explore options with Coast Bus and they working with Atlanta Beltline for a commuter shuttle. The goal is to incorporate biking as transportation as well.

City Council Representative Perkins commented that reducing parking would benefit the site. The green space is really neat and it looks like it's going to be a great place to live.

Ms. Begala questioned how the access to the retail out by Route 1 would occur. Engineer responded that people would access it at the existing curb cut much like before. There would also be availability to come in from the new road. Mr. Levy added that it would be more food and beverage than retail. The goal would be to put in businesses that compliment the neighborhood and residents. Ms. Begala requested clarification on the flow out to Route 1. Mr. Levy responded that they were studying that now. There is a fully signalized intersection with Borthwick Ave. There is a right turn in and a right turn out at the site. There will be three points of access. Ms. Begala questioned if the Cate St. expansion would be a truck route. Mr. Levy responded that it was their understanding that this will relieve what is happening on Cottage Rd. and Cate St. It will be a truck and full commercial route.

City Council Representative Perkins questioned if the area would be more walk-able on the other end of the site. Mr. Levy responded that it would. They need to find more walkability for Cottage St. and Cate St. As the plans are revised they will make sure there are good connection points.

Assistant City Manager Moore commented that the vision and amenities are great. He encouraged the applicants to think beyond how to make the current retail location inviting and accessible. Is there opportunity on the roadway? It sounds like wonderful amenities and ideas, but this may be a challenge. Think about the northern edge of the lot and the access to the road and connections to the neighborhood.

Ms. Begala questioned who decides the land swap for the road deal. Does City Council decide this? Ms. Walker responded that nothing has been decided and there is a process for land acquisition. It has to be done by the City Council. The road doesn't qualify as community space. The land doesn't have anything to do with the zoning. Ms. Begala questioned why 5 stories were possible. Ms. Walker responded that they are still working out the details on the criteria to meet to the allowance for 5 stories. Ms. Begala commented that it would be great if the development included workforce housing.

Assistant City Manager Moore noted that he would prioritize workforce-housing incentive as the option over the green space. That would be the most useful application. Ms. Walker responded that workforce housing has a minimum it's not an option. They have to provide beyond what's required to get the incentives.

Chairman Legg agreed with Assistant City Manager Moore and questioned if the developers were far enough along to project the sizes of units. Mr. Snell responded that right now they are working on the assumption that they will be studios, one bedroom and two bedrooms. The studio would be about 500 square feet, the one bedroom would be 650-700 square feet, the one bedroom with a den and two bedrooms would be 900 square feet. Chairman Legg noted this was important for the City. It would really encourage workforce housing.

Ms. Begala pointed out that if 310 units go in there and 92 go in near Plaza 800 and more go in the North Mill Pond area then that's 500 units added. In that case they will have exceeded the need according to the most recent housing study. It's a comment, but it's a plea for another housing survey to plan for the future. Chairman Legg commented that the developers that are putting money into this are doing assessments. They won't want to build what won't sell. Mr. Levy added that they have done exhaustive research on this. They understand the sensitivity of workforce housing. It will be cheaper than downtown. They have done the homework and can share any information.

Mr. Gamester moved to continue the Planning Board Meeting past 10 p.m., seconded by Assistant City Manager Moore. The motion passed unanimously.

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B. The application of **Connect Community Church**, for property located at **200 Chase Drive**, requesting Preliminary Conceptual Consultation review for a multi-unit residential building.

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

John Chagnon from Ambit engineering spoke to the review. This was the second of the gateway proposals. It goes from Market St. to Chase Drive. It is a large skinny lot with a church at one end and a parking lot at the other end. The proposal is to cut off an acre and put an apartment building at the other end of the parking lot. The apartment building would have a maximum of 24 units. It would be a 4-story building with 6 units per floor. There will be 30 parking spaces. A fair chunk of the real estate would be shared parking with the church. 20% needs to be open space according to the ordinance. They won't get 20% with this layout. The building will be cut back to 4 units per floor to get the 20% around the building.

City Council Representative questioned if there were minimum setbacks. Ms. Walker confirmed there were. It's 10 to 30 for this type of building.

Vice Chairman Moreau questioned if they were subdividing or just adding to the lot. Mr. Chagnon responded that it would be a subdivision. Vice Chairman Moreau questioned if there would be underground parking? Mr. Chagnon responded there would not be. Vice Chairman Moreau questioned if there would be public transportation. Mr. Chagnon responded that it exists in some form now. Ms. Walker pointed out a bus stop.

Ms. Begala questioned if this was close to the shuttle parking? Mr. Chagnon responded that this was the shuttle parking lot.

Mr. Chagnon commented that the building will be 16 units. Chairman Legg questioned if they would all be two bedroom units. Mr. Chagnon confirmed that was correct.

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VI. OTHER BUSINESS

A. The request of **Borthwick Forrest, LLC, Owner**, for property located **off Proposed Subdivision Road to be Created off Borthwick Avenue**, for an eighteen (18) month extension of Preliminary and Final Subdivision Approval which was granted by the Planning Board on May 18, 2017.

Vice Chairman Moreau moved to grant a six-month extension of Preliminary and Final Subdivision Approval, to expire on November 18, 2018, seconded by Mr. Gamester. The motion passed unanimously.

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VII. CORRESPONDENCE:

A. Letter from Robin Albert Lehman, dated May 6, 2018, regarding future housing project at 140 Court Street.

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V. ADJOURNMENT

*It was moved, seconded, and **passed** unanimously to adjourn the meeting at 11:00 p.m.*

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Respectfully Submitted,

Becky Frey,
Acting Secretary for the Planning Board

These minutes were approved at the June 21, 2018 Planning Board Meeting.