

ACTION SHEET

PLANNING BOARD

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

7:00 P.M.

OCTOBER 20, 2011

MEMBERS PRESENT: John Ricci, Chairman; Paige Roberts, Vice Chairman; Eric Spear, City Council Representative; Cindy Hayden, Deputy City Manager; Richard Hopley, Building Inspector; John Rice; Anthony Blenkinsop; MaryLiz Geffert; William Gladhill, Norman Patenaude, Alternate and Brian Groth, Alternate

MEMBERS EXCUSED:

ALSO PRESENT: Rick Taintor, Planning Director

I. APPROVAL OF MINUTES

1. Approval of Minutes from the August 18, 2011 Planning Board Meeting – Unanimously approved.
2. Approval of Minutes from the September 1, 2011 Planning Board Work Session – Unanimously approved (Ms. Geffert abstained)

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II. PUBLIC HEARINGS

*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. Request to re-zone seven parcels of land on the westerly side of Lafayette Road from the Office Research (OR) District to the Gateway (G) District. Said properties are identified as 1700 Lafayette Road (Map 252, Lot 1); unnumbered Lafayette Road (Map 252, Lot 1-7); 1900 Lafayette Road (Map 267, Lot 8); 1950 Lafayette Road (Map 267, Lot 7); 2000 Lafayette Road (Map 267, Lot 6); 2010 Lafayette Road (Map 267, Lot 5); and 2032 Lafayette Road (Map 267, Lot 4). (This hearing was postponed from the September 15, 2011 Planning Board Meeting)

Voted to recommend that the Zoning Ordinance be changed as follows:

1. Amend Section 10.531, Table of Dimensional Standards – Business and Industrial Districts, as follows (deletions from existing language ~~stricken~~; additions to existing language **underlined** **bold**):

	OR
Minimum Lot Dimensions	
Lot Area	3 <u>2</u> acres ¹
Continuous street frontage	300' <u>200'</u> ¹
Depth	300' <u>200'</u> ¹
Minimum Yard Dimensions	
Front	50' ^{1,3}
Side	75' <u>50'</u> ¹
Rear	50'

NA = Not Applicable

NR = No Requirement

Notes:

1. See Section 10.532.10 for requirements for lots adjacent to North Mill Pond.
3. See Section 10.533 for special requirements on Lafayette Road.

2. Amend Section 10.440, Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, as follows:

Use	OR
2.10 Assisted living facility	
2.11 Assisted living center	N <u>P</u>
3.70 Club, fraternal or service organization	N <u>S</u>

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B. The application of **Mitchell and Edward Hyder, Owners**, for property located at **659 and 677 Dennett Street and 295 Woodbury Avenue** (now consolidated into one lot), requesting a Conditional Use Permit under Section 10.726 of the Zoning Ordinance for a Residential Density Incentive Planned Unit Development (RDI-PUD) consisting of one 4-unit building and one 5-unit building, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 161 as Lots 31 and 32 and Assessor Map 175 as Lots 6 and 6A and lie within the General Residence A (GRA) District. (This application was postponed from the September 15, 2011 Planning Board Meeting)

C. The application of **Mitchell and Edward Hyder, Owners**, for property located at **659 and 677 Dennett Street and 295 Woodbury Avenue** (now consolidated into one lot), requesting Site Plan Approval to construct a 9-unit residential development with one 4-unit building and one 5-unit building, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 161 as Lots 31 and 32 and Assessor Map 175 as Lots 6 and 6A and lie within the General Residence A (GRA) District.

Voted to **postpone** to the December 15, 2011 Planning Board meeting.

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D. The application of **Dexter and Ellen Legg, Owners**, for property located at **4 Moebus Terrace**, for Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within a tidal wetland buffer, including the demolition of the existing house and garage and construction of a 1 1/2 story house and garage; demolition of the existing deck and construction of a smaller deck; installation of a 200 s.f. patio; removal of all artificial turf and associated landscaping. Said property is shown on Assessor Map 207 as Lot 24 and lies within the Single Residence B (SRB) District.

Voted to **grant** conditional use permit approval with the following stipulation:

- 1) During construction the site shall be stabilized as soon as possible, and proper erosion control measures shall be used to prevent any impacts to the tidal wetlands and salt marsh area.

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E. The application of **Portsmouth Housing Authority, Owner**, for property located at **444 Pleasant Street**, for Conditional Use Permit Approval under Section 10.1017 of the Zoning Ordinance for work within a tidal wetland buffer, including the construction of roof extensions to the existing decks to provide weather protection. Said property is shown on Assessor Map 102, as Lot 54 and lies within the General Residence B (GRB) District and the Historic District.

Voted to **grant** conditional use permit approval.

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F. The application of the **Baroni Family, LLC, Owners**, and **Joseph R. Baroni, Applicant**, for property located **off Constitution Avenue**, for earth product removal under Sections 10.1022, 10.1023 and 10.1024 of the Zoning Ordinance. Said property is shown on Assessor Map 274 as Lot 5 and lies within the Industrial (I) District.

Voted to **grant** the Earth Products Removal Permit.

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G. The application of **Troy and Diane Thibodeau, Owners**, for property located at **240 Elwyn Road** and property **off Taft Road**, and **Frank and Linda Ashton, Owners**, for property located at **79 Taft Road**, wherein Preliminary and Final Subdivision Approval (two Lot Line Revisions) is requested between three lots as follows: Lot 85 as shown on Assessor Map 247 increasing in area from 12,682 s.f. to 15,000 s.f. with 132’ of continuous street frontage on Taft Road; Lot 86 as shown on Assessor Map 247 increasing in area from 7,969 s.f. to 8,797 s.f. with 103’ of continuous street frontage on Taft Road; and Lot 88 as shown on Assessor Map 247 decreasing in area from 19,942 s.f. to 16,796 s.f. with 100’ of continuous street frontage on Elwyn Road. Said properties are located in a Single Residence B District (SRB) where the minimum lot size is 15,000 s.f. and minimum street frontage requirement is 100’.

Voted to **grant** Preliminary and Final Subdivision approval with the following waiver and stipulations:

Waiver:

Voted to waive compliance with Section VI.2.B of the Subdivision Rules and Regulations to allow the lot dimensions as shown on the subdivision plan.

Stipulations:

1. The applicant shall obtain a driveway permit for lot 247-85 from the Department of Public Works.
2. All property monuments shall be set as required by the Department of Public Works prior to the filing of the final plat.
3. GIS data shall be provided to the Department of Public Works in the form required by the City.
4. The final plat and all resulting deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department;

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H. The application of **Brian and Susan Regan, Owners**, for property located at **28-30 Dearborn Street**, and **Regan Electric Company, Inc, Owner**, for property located at **6 Dearborn Street**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots as follows: Lot 1 as shown on Assessor Map 140 decreasing in area from 14,311 s.f. to 13,182 s.f. with 145’ of continuous street frontage on Dearborn Street; and Lot 4 as shown on Assessor Map 123 increasing in area from 12,821 s.f. to 13, 950 s.f. with 91’ of continuous street frontage on Dearborn Street and 27’ of street frontage on Maplewood Avenue. Said properties are located in the General Residence A (GRA) District where the minimum lot size is 7,500 s.f. and minimum street frontage requirement is 100’.

Voted to grant Preliminary Subdivision approval with the following actions:

Waiver:

Voted to **postpone** action to waive compliance with Section VI.2.B of the Subdivision Rules and Regulations to allow the lot dimensions as shown on the subdivision plan.

Stipulations:

- 1) This matter shall be referred to TAC for a report back on sewer and other infrastructure issues, public safety issues, and the PSNH pole.
- 2) This approval shall be pending any further action by the BOA and the Court regarding this matter.

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I. The application of **Brian and Susan Regan, Owners**, for property located at **28-30 Dearborn Street**, wherein Preliminary and Final Subdivision Approval is requested to subdivide one lot into two lots as follows: Proposed Lot 1 having 6,750 s.f. and 55’ of continuous street frontage on Dearborn Street and proposed lot 2 having 6,432 s.f. and 90’ of continuous street frontage off Dearborn Street. Said property is located in the General Residence A (GTA) District where the minimum lot size is 7,500 s.f. and minimum street frontage requirement is 100’.

Voted to grant Preliminary Subdivision approval with the following actions:

Waiver:

Voted to **postpone** action to waive compliance with Section VI.2.B of the Subdivision Rules and Regulations to allow the lot dimensions as shown on the subdivision plan.

Stipulations:

- 1) This matter shall be referred to TAC for a report back on sewer and other infrastructure issues, public safety issues, and the PSNH pole.
- 2) This approval shall be pending any further action by the BOA and the Court regarding this matter.

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J. The application of **HarborCorp, LLC, Owner**, for property located **off Deer Street, Green Street, Russell Street, Market Street and Maplewood Avenue**, for a third one year extension of Site Review Approval which was granted (amended) on October 16, 2008 for the construction of an 83,118 ± s.f. 6/7 story structure consisting of a hotel, convention center, parking garage and 21 residential condominiums, with related paving, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 118 as Lot 28, Assessor Plan 119 as Lot 1-1A, Lot 1-1C and Lot 4, Assessor Plan 124 as Lot 12 and Assessor Plan 125 as Lot 21 and lie within the Central Business A (CBA) District, the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District.

On a motion to grant waivers from the Site Plan Review Regulations of Section 2.4.4.1, the requirement for submission of full-size plans and Section 2.11.2, the deadline for submission and action on a waiver request, the motion **failed** on a 5-4 vote. (NOTE: An affirmative vote of six Planning Board members is necessary to grant a waiver)

On a motion to find that the Site Plan Approval granted on October 16, 2008, and most recently extended to October 15, 2010, has expired, the motion **passed** unanimously.

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K. The application of **180 International, LLC, Applicant**, for property located at **180 International Drive**, requesting amended Site Plan approval for parking lot expansion to add 31 new parking spaces, with related paving, utilities, lighting, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 312 as Lot 3 and lies within the PDA Industrial District.

Voted to **grant** Amended Site Plan Approval with the following stipulation:

- 1) A revised Landscaping Plan shall be submitted for review and approval by the Planning Department and the PDA staff.

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L. Proposed amendments to the Planning Board’s Site Plan Review Regulations.

Voted to amend the Site Plan Review Regulations as set forth in the document titled “Site Plan Review Regulations – Proposed Amendments – October 2011.”

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III. CITY COUNCIL REFERRALS/REQUESTS

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

A. Letter from Tony LaCava, of 95 Mechanic Street, regarding the sale of his property.

Voted to recommend that the City acquire the LaCava property at 95 Mechanic Street and all interest in adjacent land between the Mechanic Pump Station and the Peirce Island Bridge.

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B. Letter from Linda Smith, NH Department of Transportation, regarding an offer for the acquisition of land as required for the reconstruction of the US Route 1 Bypass.

Voted to recommend that the City approve the requested land transfer and temporary slope easement.

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C. Letter from Paul G. Sanderson regarding whether the City has interest in purchasing land off of Spinney Road for Conservation purposes.

The Board had a discussion regarding this matter.

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D. Letter from Dexter Legg requesting a license for a new driveway at 4 Moebus Terrace.

Voted to recommend that the license be granted as requested

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IV. NEW BUSINESS

A. Request of Tain Property, LLC, for a one year extension of Site Plan Approval granted on October 21, 2010 for property located at 195 Commerce Way.

Voted to **grant** a one year extension of Site Plan Approval to October 21, 2012.

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B. Request of Tain Property, LLC, for a one year extension of Site Plan Approval granted on October 21, 2010 for property located at 215 Commerce Way.

Voted to **grant** a one year extension of Site Plan Approval to October 21, 2012.

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V. PLANNING DIRECTOR'S REPORT

A. Request for rezoning of land on Bartlett and Cate Streets.

B. City Council request for Planning Department and Planning Board to consider incorporating subsurface (i.e., archaeological) preservation in site plan review.

C. City Council work session with Planning Board and Economic Development Commission to discuss downtown hotel construction and City goals.

D. New proposed development projects.

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IV. ADJOURNMENT

A motion to adjourn was made at 10:15 pm, was seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board