

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

AUGUST 15, 2013

MEMBERS PRESENT: John Ricci, Chairman; Anthony Blenkinsop, Vice Chairman; David Allen, Deputy City Manager; Richard Hopley, Building Inspector; John Rice; William Gladhill; Karina Quintans; Colby Gamester; Elizabeth Moreau, Alternate

MEMBERS EXCUSED: Nancy Novelline Clayburgh, City Council Representative; Jay Leduc, Alternate

ALSO PRESENT: Rick Taintor, Planning Director

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the August 1, 2013 Joint Planning Board/HDC Work Session;
It was moved, seconded, and passed unanimously to approve the minutes as presented.

II. 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 **Maplewood & Vaughan Holding Company, LLC, Owner**, for property located at **111 Maplewood Avenue**, requesting Design Review to construct a 4-story 27,000 ± s.f. (footprint) mixed use building with commercial use on the 1st floor, 71 residential units on the 2nd – 4th floors and parking spaces on the ground floor level, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 124 as Lot 8 and lies within the Central Business A (CBA) District, the Historic District and the Downtown Overlay District (DOD). (This application was postponed at the June 20, 2013 Planning Board meeting)

Voted to determine that the design review process for this project has ended.

B. The application of **143 Daniel Street, LLC, Owner**, and **Steven P. Wilson, Applicant**, for property located at **143 Daniel Street**, requesting Site Plan Approval to add a 2 ½ story addition over the existing “sym” and construct a new 60’ x 40’ 3-story addition on the existing parking lot for the development of a new building including commercial use, 14 residential units and 18 lower level parking spaces. The application includes paving, lighting, utilities, landscaping, drainage and associated site improvements shown on Assessor Map 105 as Lot 19 and lies within the Central Business B (CB) District, the Historic District and the Downtown Overlay District (DOD). (This application was postponed at the June 20, 2013 Planning Board meeting)

Voted to postpone Site Plan Approval to the September 19, 2013 meeting.

C. The application of **Hillcrest of Portsmouth, LLC, Owner and Applicant**, and **The RLD Revocable Trust and The AMD Revocable Trust, Co-Applicants**, for property located at **3201 and 3203 Lafa** and abutting vacant lot located on **Lang Road**, requesting Preliminary and Final Subdivision Approval to divide one lot into four lots as follows:

- a. Proposed Lot 1 consisting of 6.6 acres and 66.6’ of continuous street frontage.
- b. Proposed Lot 2 consisting of 67.11 acres and 671.1’ of continuous street frontage.
- c. Proposed Lot 3 consisting of 11.38 acres and 1084’ of continuous street frontage.
- d. Proposed Lot 4 consisting of 126.99 acres and 156.87’ of continuous street frontage on Lang Road.

Said properties are shown on Assessor Map 291 as Lot 7 and Map 289 as Lot 1 and lie within the Gateway District where a minimum lot area of 43,560 s.f. and 200’ of continuous street frontage is required, the Rural (R) District where a minimum lot area of 5 acres and no continuous street frontage is required and the Garden Apartment/Mobile Home (GA/MH) district where a minimum lot area of 15,000 s.f. and no continuous street frontage is required. (This application was postponed at the July 18, 2013 Planning Board meeting)

Voted to postpone Preliminary and Final Subdivision Approval to the September 19, 2013 meeting.

D. The application of **Seacoast Trust, LLP, Owner**, for property located at **150 Route One By-Pass**, requesting Site Plan Approval to place a 10’ x 60’ mobile diagnostic coach on a concrete pad in front of the existing medical building with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 231 Lot 58 and lies within the Single Residence B (SRB) District. (This application was postponed at the July 18, 2013 Planning Board meeting)

A) Voted to determine the application is complete according to the Site Plan Review Regulations and accepted the application for consideration;

B) Voted to grant Site Plan Approval with the following stipulation:

1. That the landscaping plans shall be updated to the satisfaction of City staff, to include plantings that address the Board’s concern for year-round screening of the mobile coach.

E. A public hearing to consider amending the Zoning Ordinance, Section 10.531 and 10.535, regarding Maximum Structure Height in the Central Business A District and Central Business B District to 45’ or 3 stories, whichever is less. (This application was postponed at the July 18, 2013 Planning Board meeting)

Voted to recommend that the Zoning Ordinance be amended 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 **bolded**; remaining language unchanged from existing):

	CBA	CBB
Maximum Structure Dimensions		
Structure height	50’⁵ 45’ or 3½ stories, whichever is less²	60’ 50’ or 4½ stories, whichever is less²

2. Amend Section 10.535 – Exceptions to Dimensional Standards in the Central Business Districts, by inserting the following new Section 10.535.13:

10.535.13 Increased Building Height by Conditional Use Permit

Within the CBA and CBB districts, the Historic District Commission may grant a conditional use permit to allow an increase in building height above the maximum structure height specified in Section 10.531, up to a maximum of 50 feet in the CBA district or 60 feet in the CBB district, only if the proposed building and site design positively contribute to the context, quality, and overall historic character of the neighboring properties and the district as a whole, including:

- Publicly accessible open space areas such as widened sidewalks, plazas, pocket parks, playgrounds or other significant public open space areas;
- Underground parking in lieu of surface parking;
- The use of high-quality building materials in the building design including, but not limited to: slate or copper roofing; copper gutters and downspouts; restoration brick; granite sills, lintels, foundations, stoops and steps; and wood windows along the façade elevation;
- Significant scaling elements in the building design such as increased setbacks, stepbacks, reduced footprint and volume, the use of pitched roof forms, banding, quoining and other massing techniques to maintain a pedestrian scale along the façade;

- Significant restoration or reconstruction of a “focal” or “contributing” building;
- Permanent protection of a significant view corridor.

3. In Article 15 – Definitions, Section add the following new terms and definitions:

Story

That portion of a **building** included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. For the purpose of determining the number of stories in a building, a **story above grade plane** shall count as a full **story**. (See also: **building height, grade plane, half story, and story above grade plane**)

Half Story

A story immediately below a roof in which the floor area with a ceiling height of 7 feet or more is not greater than 50 percent of the total floor area of the **story** below. Any exterior wall of a **half story** shall be set back at least 15 feet from any **building** wall of a lower **story** facing a **street** or public right of way.

Story Above Grade Plane

Any **story** having its finished floor surface entirely above **grade plane**, or in which the finished surface of the floor next above is more than 6 feet above **grade plane**, or more than 12 feet above the finished ground level at any point.

F. The application of **KHP Properties, LLC, Owner**, for property located at **428 Pleasant Street**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a wetland buffer, to add a gravel parking area with 550 s.f. of impact to the tidal wetland buffer. Said property is shown on Assessor Map 102 as Lot 55 and lies within the General Residence B (GRB) District and the Historic District. (This application was postponed at the July 18, 2013 Planning Board meeting)

Voted to grant the application for a Conditional Use Permit as requested.

G. The application of **Eport Properties 1, LLC** and **The Aland Realty Group, Owners**, for property located at **173 & 175 Market Street**, requesting Site Plan Approval to construct a 5-story 3,981 s.f. (footprint) addition to an existing building which will include three new dwelling units, office and commercial space and 10 parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 118 as Lots 3 & 4 and lies within the Central Business A (CBA) District, the Historic District and the Downtown Overlay District (DOD). (This application was postponed at the July 18, 2013 Planning Board meeting)

- A) Voted to determine that the application is complete according to the Site Plan Review Regulations, and to accept the application for consideration;

B) Vote to grant Site Plan Approval subject to the following stipulations:

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

1. The applicant shall record a notice of voluntary lot merger.
2. The applicant shall amend the plan set by inserting the revised Sewer Trench Detail and adding a note stating that the garage will be heated. If the garage will not be heated, the applicant shall work with DPW on an alternative design that is acceptable for unheated space.
3. The applicant shall submit a final easement plan and deeds for all existing and proposed underground utilities crossing the applicant's property or serving the proposed development (including such easements on adjoining parcels) for review and approval by the Legal and Planning Departments, to be included in the final plan set.
4. All utility easements identified above shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
5. The applicant shall obtain the required Shoreland Impact Permit permitting from the NH Department of Environmental Services or an urbanized exemption in coordination with the City Council as required under the State Shoreland Water Quality Protection Act (RSA 483-B).
6. The applicant shall prepare a Construction Management & Mitigation Plan for review and approval by the City's Legal and Planning Departments.

H. The application of **Portsmouth Ford Lincoln Mercury and SLF Realty Group, LLC, Owners**, for property located at **400 & 450 Spaulding Turnpike**, requesting Amended Site Plan Approval to construct a 4,400 s.f. addition to an existing sales & service building and vehicles display areas along the Spaulding Turnpike and Arthur Brady Drive, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 238 as Lots 1A and 2 and lie within the General Business (GB) District. (This application was postponed at the July 18, 2013 Planning Board meeting)

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

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

1. The applicant shall record a notice of voluntary lot merger, to merge Map 238 Lot 1A with Map 238 Lot 2.

III. 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 **Eugene C. Hersey, Owner**, for property located at **36 Dodge Avenue**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two

lots with the following: Proposed Lot 1 having 20,000 \pm s.f. and 108.19' of continuous street frontage on Dodge Avenue and Proposed Lot 2 having 21,092 \pm s.f. and 50.26' of continuous street frontage on Dodge Avenue, and lying in a district where a minimum lot area of 15,000 s.f. and 100' of continuous street frontage is required. Said property is shown on Assessor Plan 258 as Lot 37 and lies within the Single Residence B (SRB) District.

As a result of said consideration, the Board voted as follows:

Voted to grant Preliminary and Final Subdivision Approval with the following stipulations:

1. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
2. GIS data shall be provided to the Department of Public Works in the form as required by the City.
3. The final plat shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

B. The application of **LJP Properties, LLC, Owner and Jay Prewitt, Applicant**, for property located at **428 Pleasant Street**, requesting Site Plan Approval to convert a 4 unit building to a 3 unit residential building, demolish rear additions, and construct a new two-story 450 s.f. rear addition, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 102 as Lot 55 and lies within the General Residence B (GRB) District and the Historic District.

Voted to grant Site Plan Approval as presented.

C. The application of **Public Service Company of New Hampshire, Owner**, for property located at **280 Gosling Road**, requesting Site Plan Approval to expand the existing gravel substation area by 44,000 s.f. to construct a capacitor bank, fencing, retaining wall and relocation of the existing asphalt driveway, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 214 as Lot 2 and lies within the Waterfront Industrial (WI) District.

Voted to grant Site Plan Approval as presented.

D. The application of **233 Vaughan Street, LLC, Owner**, for property located at **233 Vaughan Street**, requesting a second one-year extension of Site Plan Approval which was granted by the Planning Board on May 20, 2010 and amended on August 18, 2011. Site Plan approval was granted to construct a 4-story, 10,905 s.f. mixed use building, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. The first one year extension was granted on August 16, 2012. Said property is shown on Assessor Map 124 as Lot 14 and lies within the Central Business A (CBA) District, the Downtown Overlay District (DOD) and the Historic District.

- A) Voted to rescind the Planning Board's stipulation #3 from the Site Plan Approval granted on August 16, 2012;
- B) Voted to grant Amended Site Plan Approval with the following stipulations:

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

1. The applicant shall coordinate with the Fire Department and Department of Public Works on the configuration of on-street parking in front of the building on Vaughan Street.
2. The amount of the contribution for the sewer manhole shall be subject to approval by DPW.
3. The applicant shall prepare a Construction Management & Mitigation Plan for review and approval by the City's Legal and Planning Departments.
4. That if construction under the approved Site Plan is not substantially underway by October 1, 2013, the property owner shall stabilize, loam, and seed by October 15, 2013.

IV. CITY COUNCIL REFERRALS AND REQUESTS

- A. Request of Tom and Zelita Morgan to expand the Historic District.

Vote to schedule a public hearing on the proposed expansion of the Historic District for the Planning Board meeting on September 19, 2013.

V. ADJOURNMENT

At 10:55 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Liz Good
Acting Planning Board Recording Secretary