

**ACTION SHEET**

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

**CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

**7:00 P.M.**

**FEBRUARY 20, 2014**

**MEMBERS PRESENT:** John Ricci, Chairman; John Rice, Vice-Chairman; Jack Thorsen, City Council Representative; David Allen, Deputy City Manager; Richard Hopley, Building Inspector; William Gladhill; Colby Gamester; Elizabeth Moreau, Michael Barker, Jay Leduc, Alternate and Justin Finn, Alternate

**MEMBERS EXCUSED:** n/a

**ALSO PRESENT:** Rick Taintor, Planning Director

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**I. APPROVAL OF MINUTES**

- A. Approval of Minutes from the July 18, 2013 Planning Board Meeting – Unanimously approved.
- B. Approval of Minutes from the August 15, 2013 Planning Board Meeting – Unanimously approved.
- C. Approval of Minutes from the September 12, 2013 Planning Board Work Session – Unanimously approved.
- D. Approval of Minutes from the September 19, 2013 Planning Board Meeting – Unanimously approved.
- E. Approval of Minutes from the October 10, 2013 Planning Board Work Session – Unanimously approved.

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**II. PUBLIC HEARINGS – OLD BUSINESS**

A. The application of **Ertugrul Yurtseven, Owner**, for property located at **292 Lang Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a wetland buffer, to construct a 15' wide paved driveway, with 4,885 s.f. of impact to the wetland buffer. Said lot is shown on Assessor Plan 287 as Lot 4 and lies within the Single Residence B (SRB) District.

Voted to postpone to the March 20, 2014 Planning Board Meeting.  
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B. The application of **Strawbery Banke, Inc., Owner**, for property located off **Washington Street**, requesting Site Plan Approval to construct a 12,500 s.f. seasonal ice skating rink with an 8' x 10' transformer, a 25' x 10' rink chiller and a 25' x 60' concession pavilion, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 104 as Lot 7 and lies within the Mixed Residential Office (MRO) District and the Historic District.

Voted to postpone to the March 20, 2014 Planning Board Meeting.

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F. The application of **Borthwick Forest, LLC, Owner**, for property located **between Islington Street and Borthwick Avenue**, requesting Conditional Use Permit approval under the Zoning Ordinance for work within an inland wetland buffer to construct a road from Borthwick Avenue to Islington Street in connection with a proposed subdivision, with 10,700 s.f. of impact to the wetland buffer and 5,800 s.f. of wetland buffer restoration. Said properties are shown on Assessor Plan 233, as Lots 112 & 113 and Assessor Plan 241 as Lot 25 and lie within the Single Residence B (SRB) District and the Office Research (OR) District. (This application was postponed at the December 19, 2013 Planning Board meeting)

Voted to postpone to the March 20, 2014 Planning Board Meeting.

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### **III. PUBLIC HEARINGS – NEW BUSINESS**

A. Proposed amendments to the Zoning Ordinance to implement Character-Based Zoning (also referred to as “form-based zoning”) in the downtown area. The proposed amendments include inserting a new Article 5A – Character Districts, consisting of proposed ordinance text, illustrations, maps and tables; and making conforming amendments to other sections of the Zoning Ordinance, including Sections 10.410, 10.420, 10.640, 10.1230 and 10.1520. (The City Council has voted to schedule first reading on these amendments at its meeting on March 3, 2014.)

Voted to amend the height designation for the east side of Ceres Street from 2-3 stories and 45' to 2 stories with a short 3<sup>rd</sup> and 40'.

Voted to amend on Page 48, the definition of Penthouse Level by changing the word “below” the cornice to “above” the cornice.

Voted to amend Table 10.5A42.10A on Page 16 by changing lot width from “35 – 80 sf” to “35 – 80 feet”.

Voted to amend on Page 41, under Building and Lot Uses, Section 10.5A57.11, by deleting the first phrase “except as noted on Map 10.5A.21C” as that is redundant with the last phrase.

Voted to amend Map 10.5A21B to change the Height Requirement Areas on Bow Street back to the designations submitted to the City Council in November, 2013.

Voted to delete Section 10.5A22.20 on Page 5, entitled When Regulating Plan Amendment is Necessary.

Voted to amend the note on Map 10.5A21C and the appropriate text in the Zoning Ordinance to indicate that lots that are currently in the CBA will be subject to the CBA use regulations rather than those in CBB.

Voted to recommend that the City Council amend the Zoning Ordinance by inserting a new Article 5A – Character Districts, as set forth in the document dated February 20, 2014, along with the amendments as voted on tonight.

Voted to recommend that the City Council amend the Zoning Ordinance as set forth in the document entitled “Conforming Amendments”, dated February 20, 2014.

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B. Proposed amendment to the Zoning Ordinance deleting Section 10.535.13 – Increased Building Height by Conditional Use Permit (Central Business A and B districts). (The City Council has voted to establish a public hearing and second reading on this amendment at its meeting on March 17, 2014.)

Voted to recommend that the City Council amend the Zoning Ordinance and by revising the criteria for granting a Conditional Use Permit as recommended in the Planning Department Memorandum.

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C. Request by the City Council that the Planning Board evaluate the design review provisions established in Section 2.4 of the Site Plan Review Regulations.

Voted to report back to the City Council that the Board is considering the input from the public hearing and will provide a more detailed report in the future.

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D. Proposed amendments to the Subdivision Rules and Regulations to clarify when an approval becomes final, to establish time limits for satisfying conditions of approval and for recording approved plans, and to provide for notification to the Assessor of final approvals.

Voted to amend the Subdivision Rules and Regulations by inserting the following new Section III.E.:

E. Certification of Final Approval

1. Where the Planning Board has granted subdivision approval subject to conditions, such approval shall become final upon certification by the Planning Director that the applicant has satisfactorily complied with the conditions imposed.

2. Within 14 days of a final subdivision approval, the Planning Director shall forward to the Assessor a digital copy of the approved plan and a copy of the certification of final approval.

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**IV. OTHER BUSINESS**

A. Nominations of representatives to the Rockingham Planning Commission.

This matter was postponed to the March Planning Board meeting.

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**V. PLANNING DIRECTOR'S REPORT**

N/A

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**VI. ADJOURNMENT**

A motion to adjourn at 11:30 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse  
Acting Secretary for the Planning Board