

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

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

7:00 PM

APRIL 17, 2013

REVISED AGENDA

I. APPROVAL OF MINUTES

1. Approval of Minutes from the November 21, 2013 Planning Board Meeting;
2. Approval of Minutes from the December 19, 2013 Planning Board Meeting;

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 **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. (This application was postponed at the March 20, 2014 Planning Board meeting)
- B. The application of **Borthwick Forest, LLC, Owner**, for property located **between Islington Street and Borthwick Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to construct a road from Borthwick Avenue to Islington Street with a proposed subdivision, with 10,700 s.f. of impact to the wetland buffer and 5,800 s.f. of impact to the Office Research (OR) District. Said properties are shown on Assessor Plan 233, as Lots 112 & 113 and Assessor Plan 241 as Lot 1. (This application was postponed at the March 20, 2014 Planning Board meeting)
- C. The application of **Searay Realty, LLC, Owner**, and **Public Service Company of New Hampshire, Applicant**, for three properties located at **445 Route 1 By-Pass, off Borthwick Avenue and off Barberry Lane**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to remove two existing buildings, the paved driveway and the existing substation and to construct a 12,250 s.f. gravel substation area with associated equipment, poles, fence, gravel accessway and paved driveway apron, with 48,945 s.f. of permanent impact to the wetland buffer plus 5,525 s.f. of temporary impact to the wetland buffer and the removal of 17,120 s.f. of impervious surface from the wetland buffer. Said property is shown on Assessor Plan 234 as Lots 2, 2A & 7-7 and lies within the Office Research (OR) District. (This application was postponed at the March 20, 2014 Planning Board meeting)

D. The application of **Christine V. Crockett, Owner**, for property located at **209 Gosport Road**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to construct a 2,081 ± s.f. (footprint) dwelling and a 14' wide driveway (12' paved), with 2,750 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Plan 224 within the Single Residence A (SRA) District. (This application was postponed at the March 20, 2014 Planning Board meeting)

E. The application of **Francis Sullivan, Owner, and Janice Stanley, Applicant**, for property located on **Brackett Road**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to construct a 2,464 ± s.f. (footprint) dwelling with proposed pervious driveway, with 4,020 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Plan 206 as Lot 17 and lies within the Single Residence B (SRB) District. (This application was postponed at the March 20, 2014 Planning Board meeting)

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 **Brian and Susan Regan, Owners**, for property located at **28-30 Dearborn Street**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a tidal wetland to remove a retaining wall, install a sewer line, construct a wooden wall, pave and loam and seed, with 450 s.f. of impact to the wetland. Said property is shown on Assessor Plan 140 as Lot 1-11 and lies within the General Residence A (GRA) District and the Historic District.

B. The application of **Searay Realty, LLC, Owner, and Public Service Company of New Hampshire, Applicant**, for property located off Barberry Lane, 445 Route 1 By-Pass and off Borthwick Avenue, requesting Preliminary and Final Subdivision (Lot Line Revision) approval as follows:

- a. Assessor Map 234, Lot 2 decreasing in area from 428,615± s.f. to 207,614± s.f., with no change in street frontage;
- b. Assessor Map 234, Lot 3 increasing in area from 35,590± s.f. to 223,360 ± s.f. with no change in street frontage; and
- c. Assessor Map 234, Lot 7-7 increasing in area from 153,620 ± s.f. to 186,851 ± s.f. with no change in street frontage.

Said properties lie in the Office Research (OR) District with minimum lot area of 43,560 sf (1 acre).

C. The application of **Searay Realty, LLC, Owner, and Public Service Company of New Hampshire, Applicant**, for properties located at **445 Route 1 By-Pass, off Borthwick Avenue and off Barberry Lane**, requesting Site Plan Approval to demolish an existing substation and two existing buildings, construct a new substation including a 12,250 s.f. gravel area with associated equipment and poles, and construct an adjacent mobile substation; with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Plan 234 as Lots 2, 2A, 3 & 7-7 and lies within the Office Research (OR) District

D. The application of **319 Vaughan Street Center, LLC, Owner**, for property located at **319 Vaughan Street**, and **299 Vaughan Street, Owner**, for property located at **299 Vaughan Street**, and **3S Artspace, Applicant**, requesting an Amended Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a tidal wetland buffer to construction a functioning exit path to a public way from an exit door on the rear of the building, with 1,500 s.f. of impact to the wetland buffer. Said property is shown on Assessor Plan 124 as Lot 9 and lies within the Central Business A (CBA) District, the Downtown Overlay District (DOD) and the Historic District.

E. The application of **319 Vaughan Street Center, LLC, Owner**, and **3S Artspace, Applicant**, for property located at 319 Vaughan Street, requesting Amended Site Plan Approval to remove and revise exterior architectural elements, revise emergency egress at the rear of the building, remove all seating walls, revise patios at gallery entrance and rear, revise transformer location, and revise grading at entrance and rear, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 124 as Lot 9 and lies within the Central Business A (CBA) District, the Historic District and the Downtown Overlay District (DOD).

F. The amended application of **2422 Lafayette Road Associates, LLC**, for property located at **2454 Lafayette Road (Southgate Plaza)**, requesting Amended Site Plan Approval to demolish 21,022 ± s.f. of existing retail space, add 11,000 ± s.f. footprint of new retail space to the existing retail/restaurant space, add a garden at the rear of the site, to replace the previously approved porous pavement with a gravel pad for a garden center, and make related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 273, Lot 3 and lies within the Downtown Overlay District.

- G. The application of **Ertugrul Yurtseven, Owner**, for property located at **292 Lang Road**, requesting Final Subdivision Approval to subdivide one lot into five lots with the following:
- a. Proposed Lot 4 having 87,819 ± s.f. (2.02 acres) and 179.68' ± of continuous street frontage on Lang Road.
 - b. Proposed Lot 4-1 having 521,414 ± s.f. (11.97 acres) and 290.89' ± of continuous street frontage on Lang Road.
 - c. Proposed Lot 4-2 having 54,965 ± s.f. (1.26 acres) and 161.19' ± of continuous street frontage on Lang Road.
 - d. Proposed Lot 4-3 having 61,336 ± s.f. (1.41 acres) and 154.80' ± of continuous street frontage on Lang Road.
 - e. Proposed Lot 4-4 having 84,574 ± s.f. (1.94 acres) and 209.71' ± of continuous street frontage on Lange Road.

Said lot is shown on Assessor Plan 287 as Lot 4 and lies within the Single Residence B (SRB) District where a minimum lot area of 15,000 s.f. and 100' of continuous street frontage is required.

H. The application of **7 Islington Street, LLC, Owner**, for property located at **40 Bridge Street**, requesting a second one-year extension of Site Plan Approval to construct a 4 story 5,450 s.f. (footprint) mixed use building with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 126 as Lot 52 and lies within the Central Business A (CBA) District, the Downtown Overlay District (DOD) and the Historic District.

I. The application of **Portwalk HI, LLC and Hanover Apartments, LLC, Owner**, for property located at **195 Hanover Street** (Portwalk, Phase III), requesting Amended Site Plan Approval for 25 itemized revisions including, but not limited to, increased floor area for restaurant, residential and retail uses; reduced number of off-street parking spaces; relocation, addition and removal of various doors; addition of concrete base and planters along Deer Street; modified screen wall along Maplewood Avenue; relocation of trash room; new parking deck; addition of 4th grease trap on Portwalk Place; and addition of access controls to both buildings with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Site property is shown on Assessor Map 125 as Lot 1 and lies within the Central Business B (CBB) District, the Downtown Overlay District (DOD), and the Historic District.

Request to Postpone

IV. 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. Proposed amendments to the Zoning Ordinance as follows:

- (1) Create a new Central Business C (CBC) district, encompassing the area currently zoned Central Business B west of Maplewood Avenue and Middle Street;
- (2) Create a new Central Business Piscataqua (CBP) district, encompassing the area currently zoned Central Business A north and east of Market Street and Bow Street;
- (3) Amend Section 10.440 – Table of Dimensional Standards – Business and Industrial Districts, to establish dimensional standards for the proposed CBC and CBP districts (including reducing maximum building height in the CBC district to 35 feet); and to establish maximum building footprints of 4,000 sq. ft. in the CBC district, 30,000 sq. ft. in the CBB district, 3,000 sq. ft. in the proposed CBC district, and 2,000 sq. ft. in the proposed CBP district;
- (4) Amend Section 10.440 – Table of Uses, to assign the same permitted uses and restrictions to the proposed CBC district as currently designated for the CBB district; and to assign the same permitted uses and restrictions to the proposed CBP district as currently designated for the CBA district.

Request to Postpone

(This item was referred to the Planning Board by the City Council at its January 13, 2014 meeting and postponed at the April 3, 2014 Planning Board Meeting.)

B. Request to consider a process for structural design review outside the Historic District.

Request to Postpone

V. OTHER BUSINESS

A. Request from Cumberland Farm, Inc., for property located at 1475 Lafayette Road, for a one year extension of Site Plan Approval which was granted by the Planning Board on May 16, 2013.

B. Request from Ambit Engineering, for property located on Langdon Street, for a one year extension of Final Subdivision approval which was granted by the Planning Board on May 16, 2013.

V. PLANNING DIRECTOR’S REPORT

- Planning Director's report on proposed amendment to the Zoning Ordinance to require conference centers, convention centers and event centers to provide one off-street parking space per 2 persons of rated capacity. (This item was referred to the Planning Board by the City Council at its January 13, 2014 meeting, postponed indefinitely at the April 3, 2014 Planning Board Meeting with the request for an update at the April 17, 2014 Planning Board Meeting.)

VI. 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.