

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

APRIL 17, 2014

MEMBERS PRESENT: John Ricci, Chairman; Jack Thorsen, City Council Representative; David Allen, Deputy City Manager; William Gladhill; Colby Gamester; Elizabeth Moreau, Michael Barker, Jay Leduc, Alternate and Justin Finn, Alternate

MEMBERS EXCUSED: John Rice, Vice-Chairman; Richard Hopley, Building Inspector;

ALSO PRESENT: Rick Taintor, Planning Director

.....
I. APPROVAL OF MINUTES

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

.....
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. (This application was postponed at the March 20, 2014 Planning Board meeting)

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

1. The applicant shall provide a restrictive covenant which requires that the current and future property owners comply with the stormwater system operation and maintenance manual provided with this application. This covenant, subsequent to review and approval by the legal department, shall be filed for each single family residential property in the proposed subdivision for 292 Lang Road at the Rockingham County Registry of Deeds.
-

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 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 March 20, 2014 Planning Board meeting)

Voted to **postpone** to the June 19, 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)

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

.....
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 925 ± s.f. of impact to the wetland and 2,750 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Plan 224 as Lot 10-12 and lies within the Single Residence A (SRA) District. (This application was postponed at the March 20, 2014 Planning Board meeting)

Voted to **postpone** to the May 15, 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)

Voted to **postpone** to the May 15, 2014 Planning Board Meeting.

.....
III. PUBLIC HEARINGS – NEW BUSINESS

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.

Voted to **grant** Conditional Use Permit Approval with the following stipulations:

1. A pre-construction meeting shall be held with the applicant, the applicant's contractor, and staff from the Planning Department and the Department of Public Works to ensure that the construction of the project proceeds as specified on the plans provided to the Historic District Commission and the Planning Board and meets the construction requirements for work in a City street.
2. The proposed seeded area shall have a border of plantings and boulders or similar protection which will keep cars and plowed snow from the proposed new planting area adjacent to the North Mill Pond.

.....
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 \pm s.f. to 207,614 \pm s.f., with no change in street frontage;
- b. Assessor Map 234, Lot 3 increasing in area from 35,590 \pm s.f. to 223,360 \pm s.f. with no change in street frontage; and
- c. Assessor Map 234, Lot 7-7 increasing in area from 153,620 \pm s.f. to 186,851 \pm 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).

Voted to determine that the application for Subdivision Approval was complete according to the Subdivision Rules and Regulations and accepted the application for consideration.

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 and all easement deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
-

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

Voted to determine that the application for Site Plan Approval was complete according to the Site Plan Review Regulations and accepted the application for consideration.

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

1. The applicant shall appear before the Trees & Greenery Committee for review of proposed landscaping. The goal is to provide a bolder landscaping screen along the Route 1 By-Pass and to provide additional screening from the abutters along the rear of the property. A follow up review with the Committee will be held one year from the completion of construction to confirm that the screening goals have been met.
2. Prior to the Trees & Greenery Committee meeting, the applicant shall meet with the abutters to discuss concerns and receive input

.....

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.

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

.....

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).

Voted to determine that the application for amended Site Plan Approval was complete according to the Site Plan Review Regulations and accepted the application for consideration.

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

1. The proposed easements shall be subject to review and approval by the Legal and Planning Departments, and shall be recorded prior to the issuance of a building permit.

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 strip building, add a rain garden at the rear of the site, to replace the previously approved porous pavement in the rear of the site 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 Gateway District.

Voted to **postpone** Amended Site Plan approval to the May 15, 2014 Planning Board Meeting.

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.

Voted to determine that the application was complete according to the Subdivision Rules and Regulations and accepted the application for consideration.

Voted to **grant** Final Subdivision Approval with the following stipulations:

- 1. All drainage and driveway easements shall be subject to review and approval by the City Legal Department prior to the recording of the plat.
- 2. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
- 3. GIS data shall be provided to the Department of Public Works in the form as required by the City.
- 4. The final plat and all easement deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

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. Site Plan Approval for this project was originally granted on April 19, 2012, and a one-year extension was granted on February 21, 2013. Said property is shown on Assessor Map 126 as Lot 52 and lies within the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District.

Voted to grant the applicant’s request to **withdraw** this request.

.....

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 gas regulator and enclosure and planters along Deer Street; modified screen wall along Maplewood Avenue; relocation of transformers on parking deck; addition of 4th grease trap on Portwalk Place; and addition of access controls to both parking levels; with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said 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.

Voted to **postpone** Amended Site Plan Approval to the May 15, 2014 Planning Board Meeting.

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 10.531 – 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 CBA district, 30,000 sq. ft. in the CBB district, 3,000 sq. ft. in the proposed CBC district, and 4,000 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.

(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.)

Motion to **postpone** to the May 15, 2014 Planning Board meeting.

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

Motion to **postpone** to the May 15, 2014 Planning Board meeting.

.....
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.

Voted to **grant** a one year extension of Site Plan approval.

.....
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.

Voted to **grant** a one year extension of Subdivision approval.

.....
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.)

The Planning Director reported that, due to illness and other priorities, there was no progress report.

.....
VI. ADJOURNMENT

A motion to adjourn at 9:40 pm was made and seconded and passed unanimously.

.....
Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board