

**ACTION SHEET**

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

**7:00 P.M.**

**JUNE 19, 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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**6:00 pm – WORK SESSION – Vesting of Subdivision Plans**

City Attorney Robert Sullivan led a discussion regarding vesting issues in past and future subdivision development plans.

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**I. APPROVAL OF MINUTES**

1. Approval of Minutes from the February 20, 2014 Planning Board Meeting – Unanimously approved.

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**II. DETERMINATIONS OF COMPLETENESS**

A. Site Plan Review

(None)

B. Subdivision Review

1. 347 and 335 Maplewood Avenue – Lot Line Revision

Voted to **grant** a waiver of compliance with Section VI.2.B of the Subdivision Rules and Regulations, regarding conformance with the dimensional regulations of the Zoning Ordinance and Subdivision Rules and Regulations.

2. 520 South Street and on Sherburne Avenue – Lot Line Revision

Voted to **grant** a waiver of compliance with Section VI.2.B of the Subdivision Rules and Regulations, regarding conformance with the dimensional regulations of the Zoning Ordinance and Subdivision Rules and Regulations.

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**III. 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 **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 April 17, 2014 Planning Board meeting.)

Voted to **postpone** to the September 18, 2014 Planning Board Meeting.

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B. 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 May 15, 2014 Planning Board meeting.)

Voted to accept the Owner’s request to withdraw the Conditional Use Permit request.

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C. 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 May 15, 2014 Planning Board meeting.)

Voted to **deny** with a 7-2 vote.  
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D. 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. (This application was postponed at the May 15, 2014 Planning Board meeting.)

Voted to **postpone** to the July 17, 2014 Planning Board Meeting.

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E. 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 4<sup>th</sup> 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. (This application was postponed at the May 15, 2014 Planning Board meeting.)

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

1. The applicant shall not begin any work on the Maplewood Avenue access doors to the transformer area until (a) the applicant has submitted an agreement executed by PSNH, showing exactly what is proposed (including a picture and profile) and assuring that they will build exactly what is approved, and (b) such details have been approved in writing by the Planning Director.
2. The HDC shall review the new door at the back of the expanded restaurant, to the right of the lower level of the parking garage, as well as all other similar doors, which may swing out onto the sidewalk, for safety concerns; also, the door shall be used for emergency egress only and subject to review to determine whether a new license from the City Council is required.
3. The applicant shall be responsible for restoration of pavement on Maplewood Avenue as directed by the Director of Public Works.
4. The capacity use surcharge shall be recalculated based on the reconfigured restaurant, hotel and retail space.
6. The proposed 4,600 s.f. restaurant shall have a Portwalk Place address.
7. The plan set shall be amended to include a final design and details for the crosswalk across Hanover Street between Portwalk Place and the Vaughan Mall, which shall be subject to approval by the Planning Director.
8. This Site Plan Approval is contingent on subsequent actions by the Historic District Commission with respect to the residential (apartment) portion of the site, including but not limited to the access gates to the transformer area.
9. The site design engineer shall certify that (a) the amended site plans show all changes that have approved or required by the Planning Board, and (b) no changes to the site have been made that have not been approved by the Planning Board.

- 10. Upon final action by the Historic District Commission, the site design engineer shall certify that the final site plans conform in all respects to the final plans approved by the Historic District Commission.
- 11. The applicant shall enter into an agreement with the City for the City’s design and construction of improvements to Maplewood Avenue, including sidewalk widening and street trees between Congress Street and the railroad tracks. The agreement shall describe the applicant’s contribution to the project and shall be the subject of good faith negotiation between the applicant and the City, with the applicant’s contribution based on its Maplewood Avenue frontage in proportion to the whole street improvement project. The applicant’s obligations in this agreement to be negotiated shall be secured by an estimated \$250,000.00, which sum may increase or decrease depending on project costs as they are developed. This stipulation shall be secured in the amount of \$250,000.00 and may be satisfied by the existing \$500,000.00 bond for the project executed on March 5, 2014, which shall be modified to incorporate this stipulation, or by an alternative security acceptable to the City.

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F. The application of **Christine & Craig Hodgson, Owners**, for property located at **165 Middle Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to construct a 175 ± s.f. addition, a 676 ± s.f. garage and a 675 ± s.f. driveway, with 3,450 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Plan 168 as Lot 17 and lies within the Single Residence B (SRB) District. (This application was postponed at the May 15, 2014 Planning Board meeting.)

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

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**IV. 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 **Paul B. Head, II and Holly Head, Owners**, for property located at **347 Maplewood Avenue** and **335 Maplewood Avenue, LLC, Owner**, for property located at **335 Maplewood Avenue**, requesting Preliminary and Final Subdivision (Lot Line Revision) approval as follows:

- a. Assessor Map 141 Lot 25, consisting of 4,580 ± s.f., transferring 121 ± s.f. to Assessor Map 141 Lot 26, with no change in street frontage;
- b. Assessor Map 141 Lot 26, consisting of 6,111 ±, transferring 121 ± s.f. to Assessor Map 141 Lot 25, with no change in street frontage;

Said properties lie in the General Residence A (GRA) and Mixed Residential Office (MRO) Districts.

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

- 1. The final plat, the easement plan, and all resulting deeds shall be filed concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department;
- 2. Property monuments shall be set as required by DPW prior to the filing of the plat; and
- 3. GIS data shall be provided to DPW in the form as required by the City.

B. The application of **Neal I. Katz, Owner**, for property located at **520 South Street and on Sherburne Avenue**, requesting Preliminary and Final Subdivision (Lot Line Revision) approval as follows:

- a. Assessor Map 112 Lot 24 decreasing in area from 21,629± s.f. to 17,124± s.f., with no change in street frontage;
- b. Assessor Map 112, Lot 29 increasing in area from 5,090± s.f. to 9,595 ± s.f. with no change in street frontage;

Said properties lie in the General Residence A (GRA) District.

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

- 1. The final plat, the easement plan, and all resulting deeds shall be filed concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department;
- 2. Property monuments shall be set as required by DPW prior to the filing of the plat; and
- 3. GIS data shall be provided to DPW in the form as required by the City.

C. The application of **Janis Hancock, Owner, and David Hancock, Applicant**, for property located at **59 Taft 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 12' x 22' raised deck built on five 10" concrete posts, with 132 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Plan 251 as Lot 11 and lies within the Single Residence B (SRB) District.

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

D. The application of **Michael R. Clark, Owner**, for property located at **325 Little Harbor Road**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a tidal wetland buffer to demolish the "caretaker's house" and fill, grade, loam & seed the area; convert three residential structures to accessory structures; and install a new septic system due to septic failure, with 1,414 ± s.f. of permanent impact to the wetland buffer and 4,788 ± s.f. of temporary impact to the wetland buffer. Said property is shown on Assessor Plan 205 as Lot 2 and lies within the Rural (R) District.

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

- 1. The applicant shall plant native vegetation in addition to the conservation seed mix in the disturbed areas.
- 2. Photographs shall be taken of the buildings prior to being demolished and donated to the Portsmouth Athenaeum

E. The application of **Commerce Way, LLC, Owner**, for property located at **Commerce Way**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland for the reconstruction of Commerce Way, with 183 ± s.f. of permanent impact to the wetland and 43 ± s.f. of temporary impact to the wetland. The project will also enhance the wetland buffer area by adding 5,996 ± s.f. of pervious area and by constructing a 4,700 ± s.f. meadow planted with wetland conservation seed mix. Said property is shown on Assessor Plan 215 as Lot 1, 1-1 and lies within the Office Research (OR) District.

Voted to **grant** a Conditional Use Permit

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F. The application of **Clifton Wentworth, Owner, and Hebes Scrap Metal, LLC, Applicant**, for property located at **246 Jones Avenue**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer for remediation of lead and PCB contamination, including fill, excavation and the installation of a asphalt cap per approved NHDES remedial action plan, with 24,930 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Plan 221 as Lot 6 and lies within the Single Residence B (SRB) District.

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

1. A maintenance plan and schedule for the water quality filtration unit specified on the plan shall be submitted to the DPW and the Environmental Planner for review.
2. The runoff from the site shall be tested at the location of the proposed outlet and plunge pool, during a rain event and the results be forwarded to DPW and the Environmental Planner. The testing shall include all the contaminants that are being targeted with the remediation to include lead, PCB's and other contaminants. Testing shall be done during a wet weather event annually for at least two years and continued until no contaminants levels exceeding state regulatory thresholds are found.

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G. The application of **Great Bay Community College, Applicant**, for property located at **320 Corporate Drive**, requesting Site Plan Approval to construct a 2-story building expansion with a footprint of 20,000 s.f. ±, and a parking lot expansion resulting in a net increase of 21 parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 315 as Lot 4 and lies within the Airport Business Commercial (ABC) district.

Voted to **recommend** Site Plan Approval.

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**V. 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 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, and postponed indefinitely at the April 3, 2014 Planning Board Meeting.)

No report was given; postponed to a future Planning Board meeting.

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B. Request to consider a process for architectural design review outside the Historic District. (This matter was postponed at the April 3, 2014 Planning Board meeting.)

No report was given; postponed to a future Planning Board meeting.

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**VI. PLANNING DIRECTOR’S REPORT**

A. City Council Referral re: Zoning Along Route 1 Bypass. There have been discussions regarding re-zoning this area and it will probably go on the July Planning Board Agenda.

B. Status of Conditionally Approved Applications for Site Plan Approval – none since the their last meeting.

C. Status of Conditionally Approved Applications for Subdivision Approval – Harborcorp Lot Line Revision was recorded. Mr. Taintor reminded the Board that in February they changed their Subdivision Regulations so that the Planning Director will submit a certification to the Assessor when all conditions of approval have been met.)

D. Draft Bicycle-Pedestrian Plan – a draft report should be coming from their consultants soon which will be provided to the Planning Board. They are hoping the Board will adopt this as part of the Master Plan. A public hearing will be scheduled on this in the future.

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**VII. ADJOURNMENT**

A motion to adjourn at 10:35 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse  
Acting Secretary for the Planning Board