

Mr. Marsilia made a motion to vote on adoption of the Capital Improvement Plan. Mr. Gladhill seconded the motion.

The vote passed unanimously.

III. DETERMINATION OF COMPLETENESS

A. Subdivision:

1. The application of Ferrari Remodeling & Design, Inc., Owner, for property located on Ocean Road and Banfield Road, for Preliminary and Final Subdivision Approval to subdivide one lot into two lots.

Ms. Moreau made a motion to grant Preliminary and Final Subdivision Approval to subdivide one lot into two lots. Mr. Barker seconded the motion.

The motion passed unanimously.

IV. 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 **New England Marine & Industrial, Inc., Owner**, and **Subaru of New England, Inc., Applicant**, for property located at **200 Spaulding Turnpike**, requesting Conditional Use Permit approval under Section 10-1017 of the Zoning Ordinance for work within an inland wetland buffer to construct a car dealership which includes a 19,150 ± s.f. building and various vehicle display areas totaling 32,000 ± s.f., with 119,451 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 237 as Lot 56 and lies within the General Business (GB) and Single Residence B (SRB) Districts. (This application was postponed at the July 17, 2014 Planning Board Meeting.)

DISCUSSION AND DECISION OF THE BOARD

The Chair requested a motion from the Board to accept items A and B (read in together as two separate items) under Public Hearings Old Business for the purposes of postponement. Mr. Marsilia made a motion to postpone consideration of the Conditional Use Permit Approval (item A) and Preliminary and Final Subdivision Approval (item B) to the next Planning Board meeting. Ms. Moreau seconded the motion.

The motion to postpone consideration of the Conditional Use Permit approval and Preliminary and Final Subdivision Approval to the next Planning Board meeting passed unanimously.

B. The application of **New England Marine & Industrial, Inc., Owner**, and **Subaru of New England, Inc., Applicant**, for property located at **200 Spaulding Turnpike**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

1. Proposed Lot 1 having an area of 517,987 sq. ft. (11.851 acres), 1264.38 feet of continuous frontage on Spaulding Turnpike and 183.40 feet of continuous frontage on Echo Avenue; and
2. Proposed Lot 2 having an area of 410,236 sq. ft. (9.4177 acres), 381.97 feet of continuous frontage on Spaulding Turnpike and 307.95 feet of continuous frontage on Farm Lane.

Said property is shown on Assessors Map 237 as Lot 56 and is located in the General Business (GB) district which requires a minimum lot size of 43,560 sq. ft. and 200 ft. of continuous street frontage, and the Single Residence B (SRB) district which requires a minimum lot size of 15,000 s.f. and 100 ft. of continuous street frontage. (This application was postponed at the July 17, 2014 Planning Board Meeting.)

C. Proposed amendment to Site Plan Review Regulations to require recording of approved site plan, or recording of notice of approved site plan.

Mr. Taintor pointed out that the purpose of this is to approve the amendment to Site Plan Review Regulations so that future owners are aware of their responsibilities.

SPEAKING TO THE AMENDMENT:

Attorney Peter Loughlin of 336 Thaxter Road is requesting the tightening of Site Plan Review Regulations. He feels that Site Review Approval is as important as zoning. With site review, the Planning Board has the ability to dramatically change the appearance of an area. The best example of this is at the intersection of Lafayette and Beverly Hill Rd (i.e. reduction of impervious surfaces, control of traffic, surface water treatment, sidewalks, landscaping). It has had a transformative effect on that neighborhood. Mr. Loughlin urges the Planning Board to adopt the proposed amendment. It is extremely well written and most importantly, binds present as well as all future owners to certain responsibilities so that the work will be preserved.

Attorney Bernie Pelech of 175 Thaxter Road stated that almost every municipality requires the recording of Site Plans and until recently Portsmouth did not go through procedures of accepting applications as complete. Recording of site plans has some very serious aspects; it triggers vesting and sets forth certain conditions and restrictions that owners must abide by. Mr. Peelage wholeheartedly supports the recording of site plans. It is a win-win situation and it protects the city and provides the developer and future owners with important information.

The Chair asked if anyone was present from the public wishing to speak to, for or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Councilor Thorsen inquired as to how this ties back to the original property deeds. Mr. Taintor replied that there is an automatic reference to site plans.

Ms. Moreau made a motion that the Board amend the Site Plan Review Regulations as set forth in the document with formatting corrections. Mr. Gladhill seconded.

The motion passed unanimously.

V. 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 request of **Dale W. and Sharyn W. Smith, Owners, and Green and Company, Applicant**, for property located at **275 Islington Street**, for Design Review under the Site Plan Review Regulations, for a proposed residential development consisting of 14 dwelling units in 5 buildings with a total footprint of 10,874 ± s.f., including 27 parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 144 as Lot 8 and lies within the Central Business B (CBB) district and the Historic District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Bernie Pelech of Portsmouth was present on behalf of the owner. Also present: Joe Cornatti, Site Engineer of Jones and Beechauer, Wendy Welton, Architect and Rick and Michael Green of Green and Company. Attorney Pelech stated that although this request is relatively new to the Planning Board, it has been before the Historic District Commission for the past 18 months. Since the last time they were in front of the Planning Board (and the Planning Board found that the plans were sufficient to undertake design review), they have been to the Zoning Board of Adjustment on two occasions and received all variances necessary to proceed. They are going before the Historic District Commission in January for (hopefully) the final time. Their issues were very minor last time and he anticipates that they will be receiving the certificate of appropriateness.. They are now down to fine tuning of details. They are scheduled for a pre-TAC meeting next week.

Mr. Taintor – Inquired if the applicant has looked at the concepts in the Islington Streetscape design plan and have they incorporated those? This is also in the area of downtown designated for brick sidewalks.

Mr. Cornatti stated that they have not looked into brick sidewalks. They have looked at removing the sidewalk on Islington for aesthetic reasons. It will be re-built as part of this development.

Mr. Taintor asked that they consider brick sidewalks and should also look at bump-out requirements at intersections. In addition, TAC review may require period lighting, and some

trees at the bump-outs. Mr. Taintor is also concerned with providing pedestrian crossing opportunities.

Rick Becksted of Green of 1395 Islington Street – He commends the developers for sticking this out. They have had many meetings and have met with a number of architects. Mr. Becksted has been very active in this project; feels that it is of huge benefit to the city and is happy the it is not all about money. The neighborhood has also been active in this process and is happy with it. The city should be proud of this project. It can be looked at as a model example of how this type of project should be done.

The Chair asked if anyone was present from the public wishing to speak to, for or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Ms. Moreau reports that she as a member of the neighborhood and is very happy with the design.

Ms. Moreau made a motion to determine that this Site Plan Review process has ended. Mr. Marsilia seconded.

The motion passed unanimously.

B. The application of **Ferrari Remodeling & Design, Inc., Owner**, for property located on **Ocean Road and Banfield Road**, for Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

1. Proposed lot #1 having an area of 527,040 sq. ft. (12.10 acres) and 270.41 feet of continuous frontage on Ocean Avenue; and
2. Proposed lot #2 having an area of 1,504,598 sq. ft. (34.54 acres) and 1,199.59 feet of continuous frontage on Banfield Road.

Said property is shown on Assessors Map 283 as Lot 19 and is located in the Single Residence A (SRA) district which requires a minimum lot size of 43,560 s.f. and 150 ft. of continuous street frontage, and the Rural District which requires a minimum lot size of 5 acres with no requirement for minimum continuous street frontage.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Dana Lynch with Civilworks, Inc. was present on behalf of the applicant. Also present; Mr. Ferrari. There is an approved septic design. The purpose of the project is to subdivide the remaining 34.54 acres for conservation in cooperation with the Southeast Land trust of New Hampshire. This proposal has been endorsed by them. They have expressed their intent to acquire this area with the purpose of combining it with the Great Bog conservation area. This also has the support of the Portsmouth Conservation Commission. There will be a single building lot of 12.1 acres and the remaining land will become open space.

Ms. Moreau inquired as to (in the 12 acre lot) whether there is an envelope outside the wetland to be built upon?

Mr. Lynch stated that there is land outside the 100 ft. buffer that will be used.

The Chair asked if anyone was present from the public wishing to speak to, for or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Taintor pointed out that there are additional recommended stipulations beyond the usual that are in the packet.

Deputy City Manager Allen made a motion to grant Preliminary and Final Subdivision Approval with the stipulations that are listed in the Planning Director's memo. Ms. Moreau seconded the motion and asked that in the plan that the unbuildable lot (the larger lot) be defined (as lot 1 or 2). Item number 5 refers to lot 1.

The motion passed unanimously.

C. The application of the **City of Portsmouth, Owner**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within a tidal wetland buffer and an inland wetland buffer, to reconfigure **Market Street between Kearsarge Way and Russell Street**, including installation of new curbing, sidewalks, drainage, lighting, pavement markings, signs, landscaping, recreational parks and guardrails, with 605 sq. ft. of temporary impact to the tidal wetland, and 41,690 sq. ft. of temporary impact and 28,000 sq. ft. of permanent impact to the tidal wetland buffer.

The Chair read the notice into the record.

Mr. Taintor pointed out that this has gone to the Conservation Commission for review and that the project is exempt or outside of Planning Board jurisdiction. No action on the part of the Planning Board is necessary at this time.

D. The application of **Charles J. McCue, Jr. and Kimberlee S. McCue, Owners**, for property located at **105 Middle Road**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to remove and rebuild an existing 10' x 18' addition and stairs at the back of the house, with 235 sq. ft. of impact to the wetland buffer. Said property is shown on Assessor Plan 152 as Lot 18 and lies within the Single Residence B district.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

David Clarkin, General Contractor was present representing the homeowner. They have been granted a variance for a nonconforming building as well as a side setback from the Zoning Board

of Adjustment. The Conservation Commission has moved to approve this project. They are not looking to change or alter the relationship in the wetland buffer. They are only looking to take the 10 x 18 addition and the stairs and remove them because they are in disrepair and need to be reconstructed. In the packet, the wetland buffer is denoted. The final page depicts the disruption that will happen within buffer. They are looking to install pre-cast concrete piers. They are not looking to increase impervious surface, only to put in piers so that the construction will last. The final page shows the grade in back yard. There is plenty of space for runoff and drainage. They believe the project will not cause any contrary interest to neighbors or the public. There will be no impact as far as a significant increase in storm water runoff or impact to the wetlands. The footprint will be the same. The water will be directed as it has been in previous years.

The Chair asked if anyone was present from the public wishing to speak to, for or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

M. Moreau made a motion to grant a Conditional Use Permit approval. Mr. Marsilia seconded the motion.

The motion to grant Conditional Use Permit approval passed unanimously.

VI. 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. Proposal to amend the Zoning Map by rezoning the following lots from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW):

- Assessors Map 163, Lots 33, 34 and 37.
- Assessors Map 165, Lots 1, 2 and 14.
- Assessors Map 172, Lots 1 and 2.
- Assessors Map 173, Lots 2 and 10.

and including Cate Street between Hodgson's Brook and Bartlett Street, and to amend the Zoning Ordinance as follows:

- Article 7, Section 10.730 – Gateway Planned Development:
 - Amend Section 10.734.20 – Lot Requirements, by establishing front yard standards relative to streets other than Lafayette Road;
 - Amend Section 10.734.33 by modifying the maximum building height standards;
 - Insert a new Section 10.734.40 – Workforce Housing Incentives, to allow increased building height and building length, and to allow parking to be located in a required front yard or between a principal building and a street, for a Gateway Planned Development that contains 10% or greater workforce housing units.
- Article 15 – Definitions:

- Amend Section 10.1530 – Terms of General Applicability, by inserting definitions of “workforce housing” and “workforce housing unit.”

Mr. Taintor – This proposal has come before the Planning Board a couple of times in the past. It originally was presented as a recommendation for rezoning to Character District 4. Attorney Pelech brought forth an alternative proposal (presented in October, 2014) to consider as a form of Gateway District. The Planning Board voted not to recommend in favor in order for it to go forward in the Charrette process in February. The City Council did pass first reading on December 8th 2014. In anticipation of that, the Planning Board made some additions to the draft zoning which had to do with increased residential density, increased building length and modifications to off-street parking requirements where there is workforce housing incentive. They also drafted definitions of workforce housing consistent with state law. Also drafted are changes that would allow for determining setbacks and building heights with respect to other streets. What the Planning Board has before them this evening is different than that back in October because it has the addition of specific language under 2a,b,c, and d. The Council did not refer back to the Planning Board. The Council has scheduled the second reading for March 16th 2015, after the February Charrette, and would therefore have time to consider it. There is no need to make another recommendation now, but the Board may do so if that is preferred.

Deputy City Manager Allen – There is a framework here. He feels that the Board does not need a supplemental report. The Board can use this as a foundation for their process as they move forward. He feels that another project is not needed at this time.

Mr. Gladhill – Is in favor of workforce housing incentives. However, he feels that 10% is not a fair exchange for a longer length building. A 350 ft. long building is longer than anything else in the city. He feels that the percentage of 10% should be higher.

Ms. Moreau – Also feels that the percentage should be higher or a combination of a higher percentage and less in the giving for density of the building. She feels that the city is giving a lot and not getting a lot in return and that makes it an unfair incentive. Ms. Moreau would not vote to approve the plan as written.

Councilor Thorsen – Stated that when this was first under consideration, he did not want the Council to get caught up in discussion of the details as the details would change as soon as this went to the Charrette process in February. However, he feels that it is very appropriate for the Planning Board to comment and give feedback for the Charrette. His suggestion is that it is not necessary to spend a lot of time on this now. Moving the property out of the industrial classification is all that all that is happening now.

The Chair - Agrees that the workforce housing piece is a piece that he will give considerable thought.

Deputy City Manager Allen made a motion to defer until after the Charrette in February. Ms. Moreau seconded the motion.

The motion passed unanimously.

B. Proposal to amend the Zoning Ordinance, Section 10.440 – Table of Uses, Use #15.20, and Section 10.1530 – Terms of General Applicability, regarding helipads and heliports.

Mr. Taintor - This is a request to look at existing zoning regulations regarding helipads and heliports and to tighten them up due to some ambiguity that didn't give the city sufficient control. Helipads and Heliports have now been defined so that heliports (those that have fueling and maintenance structures) facilities would no longer be allowed and Helipads (land, water or structure for *occasional* landing) would be allowed by special exception only. The hospital has what would qualify under this definition as a helipad (it does not have maintenance or fueling facilities).

Councilor Thorsen – What seems to be needed in the proposal is the term “undesigned”. A helicopter pilot can land anywhere they deem safe. He is concerned that there may be the undesigned use of helipads; the lack of this terminology may create a loophole.

Mr. Taintor stated that the city attorney feels comfortable that the current definition covers this if it comes up.

Ms. Moreau – Inquired as to whether some type of “temporary” verbiage can be added to the proposal so that the helicopter cannot be “stored” or “parked” on a helipad?

The Chair felt hesitant to define “temporary” (or other similar terms) as whatever verbiage is included must be enforceable.

Councilor Thorsen – Agrees that this sort of addition or inclusion may be more of a policy decision.

Ms. Moreau made a motion to recommend that the Zoning Ordinance be amended as proposed. Mr. Gladhill seconded the motion.

The motion passed unanimously.

VII. OTHER BUSINESS

A. Request of **Paul Berton, Owner**, for property located at **482 Broad Street**, requesting Design Review under the Site Plan Review Regulations for a proposed residential development consisting of four townhouses with a total footprint of 7,124± sq. ft. Said property is shown on Assessor Map 221 as Lot 63 and lies within the General Residence A (GRA) district.

Mr. Taintor stated that this is just a request, not a public hearing. It is a vote in which the Planning Board determines if the design reviews contains sufficient information to schedule a public hearing. He recommends that this be at the January Planning Board meeting.

Mr. Gladhill – The Board of Adjustment stated that the design has to be compatible with the surrounding structures. Mr. Gladhill asked who is to decide whether the design fits the criteria as the design is subjective.

Mr. Taintor – The request for 4 detached units was denied. This is not the plan before the Board tonight.

Mike Sievert with MJS Engineering was present to speak to the issue. Paul Berton is the owner. The plan before the Board tonight was not the plan that went to the Zoning Board. It was a plan that had 4 individual units; that was the design that was denied. This is a completely different plan as one building.

Deputy City Manager Allen made a motion to determine that the design review contains sufficient information to move forward and to schedule a public hearing at the January Planning Board meeting. Ms. Moreau seconded the motion.

The motion passed unanimously.

B. Request of **Michael Clark**, for property located at **325 Little Harbor Road (Belle Isle)**, requesting that the Planning Board rescind its vote of March 15, 2012 granting Final Subdivision Approval.

Mr. Taintor – Two years ago, the Planning Board granted final subdivision approval. The applicant has not complied with all of the conditions of approval and the plan has not been recorded. Due to tax implications of the subdivision, the owner now wishes to withdraw the application and asks that the Board rescind its motion of two years ago. The city attorney felt that this does not require a public hearing and the Planning Board can vote to rescind (or not) prior approval.

Ms. Moreau made a motion to rescind prior approval. Mr. Barker seconded the motion.

The motion passed unanimously.

VIII. PLANNING DIRECTOR’S REPORT

- A. Jeff Speck Presentation and Technical Workshop on Walkability – A report was given.
- B. Master Plan and 2015 Meeting Schedule – A report was given.
- C. Rockingham Planning Commission Regional Master Plan – A report was given.
- D. Status of Conditionally Approved Applications Site Plan Approval – A report was given
- E. Status of Conditionally Approved Applications Subdivision Approval – A report was given

The Chair expressed deep gratitude to John Rice for his many years of service and said that he will be dearly missed. John Rice stated that he will miss the Board and wished everyone the best. The Chair thanked everyone for coming and wished everyone a happy holiday.



IX. ADJOURNMENT

A motion to adjourn at 8:18pm was made and seconded and passed unanimously.



Respectfully submitted,

Toni McLellan
Acting Secretary for the Planning Board
These minutes were accepted by the Planning Board at the January 15, 2015 meeting.