

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

JANUARY 15, 2015

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

MEMBERS EXCUSED: n/a

ALSO PRESENT: Jessa Berna, Associate Planner



I. ELECTION OF OFFICERS

Mr. Gladhill nominated John Ricci for Chair of the Planning Board.

Mr. Marsilia seconded the motion.

The motion passed unanimously.

Deputy City Manager Allen nominated Elizabeth Moreau for Vice Chair of the Planning Board.

Mr. Marsilia seconded the motion.

The motion passed unanimously.



II. APPROVAL OF MINUTES

- 1. Approval of Minutes from the December 18, 2014 Planning Board Meeting – Unanimously approved



Mr. Barker seconded the motion.

The motion to postpone consideration of the Conditional Use Permit approval to the next scheduled 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. (11.8913 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.)

The Chair read the notice into the record.

Ms. Moreau made a motion to postpone consideration of Preliminary and Final Subdivision Approval to the next scheduled Planning Board meeting.

Mr. Barker seconded the motion.

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



C. The application of **Moray, LLC, Owner**, for property located at **235 Commerce Way**, and **215 Commerce Way, LLC, Owner**, for property located at **215 Commerce Way**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots which are currently shown on Assessor Map 216 as Lots 1-8A and 1-8B and Assessor Map 213 as Lot 11. The applicant proposes to merge Map 216 Lot 1-8A and Lot 1-8B into Map 216 Lot 1-8A, and to revise the lot line between Map 216 Lot 1-8A and Map 213 as Lot 11 as follows:

- a. Map 216 Lot 1-8A (136,490 s.f.) merged with Lot 1-8B (196,876 s.f.) increasing in area from a total of 333,366 s.f. to 384,402 s.f. with continuous street frontage on Portsmouth Boulevard and Commerce Way.
- b. Map 213 Lot 11 decreasing in area from 290,077 s.f. to 239,040 s.f. with continuous street frontage on Portsmouth Boulevard and Dunlin Way.

Said lots lie within an Office Research (OR) District which requires a minimum lot size of 3 acres and 300 ft. of continuous street frontage.

Mr. Marsilia made a motion to postpone consideration of Preliminary and Final Subdivision Approval to the next Planning Board meeting.

Ms. Moreau seconded the motion.

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



D. The application of **Moray, LLC, Owner**, for property located at **235 Commerce Way**, and **215 Commerce Way, LLC, Owner**, for property located at **215 Commerce Way**, requesting Site Plan Approval for a proposed 4-story office building with a footprint of 28,125 ± s.f. and gross floor area of 112,500 ± s.f., and 640 parking spaces serving the proposed building and an adjacent existing office building (including a parking deck with 161 spaces below grade), with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 216 as Lots 1-8A and 1-8B and lies within the Office Research (OR) District.

Ms. Moreau made a motion to postpone consideration of Site Plan Approval to the next scheduled Planning Board meeting.

Mr. Marsilia seconded the motion.

The motion to postpone consideration of Site Plan Approval to the next scheduled Planning Board meeting 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 application of **The Aphrodite Georgopoulos Revocable Trust of 1999, Owner, and Seacoast Trust, LLP, Applicant**, for property located at **1900 Lafayette Road**, requesting Site Plan approval to construct two medical office buildings: (1) a 2-story building with a footprint of 12,150 s.f. and gross floor area of 21,000 s.f. plus a 10' x 60' MRI coach, and a proposed 2,050 s.f. future MRI addition to the building; and (2) a 2-story building with a footprint of 10,000 s.f. and gross floor area of 20,000 s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 267 as Lot 8 and lies within the Office Research (OR) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Peter Weeks, PGW Real Estate Consulting, was present to speak to the application on behalf of Seacoast Trust LLP. John Lordon and Dennis Moulton of MSC Engineering, and the Architect for the project were also present. Mr. Weeks provided some history of the property. The land was subdivided in 1983. There were lots on West and Lafayette Roads. When the subdivision was complete, a 60 foot easement existed between the lots on each road. The service road had been constructed (going south from the current lot toward Hampton) as the buildings were being built. The Army Reserve Center was built next door and the government did not build a service road. The City has wanted to finish the service road in order to make a complete circle around West Road. The land has been vacant (and marketed unsuccessfully) since 2000. This is the first time that a use for this property (allowed by zoning) has been proposed. The applicant has been meeting for the past 12 months with various city Boards including the Technical Advisory Committee (TAC) and the Conservation Commission. The DES AOT, EPA Discharge Permit and Portsmouth water and sewer connection permits are all pending. The DES Dredge and Fill permit for wetlands has been issued for minor filling in three areas. The NH DOT Driveway permit has granted conceptual approval. The City does not want a left turn out of the property (due to safety concerns). Through many meetings with DPW, the Planning Dept., and Altus Engineering, a proposal has been completed that works for the City and for the developer. The plan shows two buildings; the 1st for sports medicine (now located on Route 1 Bypass), the 2nd (Phase 2) will be an office building. The occupant for Phase 2 is yet to be determined. The building will be New England style. It will have a covered portico on the back for the drop off of patients. The total perimeter of the entire building is 532 feet (including the wings). The plans have been reviewed by TAC. There have been 6 public hearings. The final vote on January 7th by TAC included 8 stipulations which have been included in the plans. The installation of the utilities for both buildings will take place in Phase 1. Phase 2 includes the second building but it will be loamed and seeded prior to the beginning of Phase 2. There will be additional landscaping during Phase 2. The drainage has been designed by MSC. The TAC required an independent evaluation and Altus Engineering was hired by the City for that evaluation. The City Engineer and Mr. Desfosses also evaluated the plans. The plans have been revised to concur with recommendations made. The recommendation under consideration this evening is to grant a waiver from the Site Plan Review Regulations Section 3.3.23 limiting driveways to one lot.

Stipulations to be completed prior to issuance of the building permit:

- 1) Remove the "See off-site improvement plans" from Sheets C-9, C-10, and C-11.
- 2) Separate Phase 1 and Phase 2 plan sheets.
- 3) Sheet C2 and C3 shall be recorded at the Registry of Deeds by the City (according to new Regulations).
- 4) After the initial phase, the property owners shall submit copies of periodic inspection reports to DPW for their review

Mr. Weeks believes no outstanding issues remain.

Deputy City Manager Allen inquired about the jute mesh in the detention basin. It appears to stop arbitrarily rather than going around the full length of the back.

Mr. Lorden stated they typically try to show the jute mesh on the plans when there is a 3:1 slope. However, they will extend the mesh all the way around the back on the plans.

Deputy City Manager Allen felt it appears that the phase line runs 3-4 feet off the back on the grading plan yet extends into the detention basin on the landscape plan.

Mr. Weeks and Mr. Lorden stated that all drains will be completed as part of Phase 1 (except for leaving a stub for the future building). The plantings in the detention basin will be completed in Phase 2.

Mr. Ricci inquired as to when the MRI addition will be built.

Mr. Weeks stated that the base will be put down in Phase 1. The MRI building will not be built until it is needed. The pad for the mobile coach will be part of the original building as it is being constructed.

Mr. Ricci inquired as to what phase the drainage under the pavement will be constructed.

Mr. Lorden stated that the drainage will be constructed during Phase 1. Just a very small stub will remain for the second building to be connected. The depth of the detention basin will be approximately 4' deep.

Yvette Varney of Sports Medicine Atlantic Orthopedics stated that she is in favor of the project. The sports medicine practice has been a part of the community for over 26 years. They have maximized their current space and it is no longer suitable for them. The new facility is very much needed.

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 made a motion to grant a waiver from Site Plan Review Regulations sections 3.3.2 so the applicant may install two driveways instead of one

Deputy City Manager Allen seconded the motion.

The motion passed unanimously.

Ms. Moreau made a motion to grant Site Plan Approval subject to the four stipulations listed in the Department Memorandum.

Deputy City Manager Allen seconded the motion (and reaffirmed, as discussed, that the Jute mesh will be extended along the back of the basin).

The motion to grant Site Plan approval passed unanimously with the following stipulations:

Conditions Precedent (to be completed prior to the issuance of a building permit):

1. Remove the "See off-site improvement plans" notes from the off-site improvement plans (Sheets C-9, C-10 and C-11).
2. Separate Phase 1 and Phase 2 plan sheets shall be provided for Sheets C-2 (Site Plan), C-3 (Layout & Materials Plan), C-4 (Grading & Erosion Control Plan), and C-8 (Landscape Plan).
3. Sheets C-2, C-3 and C-8 shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.
4. The jute mesh shall be extended along the detention basin.

Conditions Subsequent (to be completed following the release of site plan security for the initial phase of the project)

5. The property owner shall submit copies of the periodic inspection reports for the StormTech system (as specified on Sheet C-18) to the Department of Public Works for its review.



B. The request of **Paul E. Berton, Owner**, for property located at **482 Broad Street**, for Design Review under the Site Plan Review Regulations, for a proposed residential development consisting of four townhouse units with a total footprint of 7,124 ± sq ft, with related parking, paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 221 as Lot 63 and lies within the General Residence A (GRA) district.

The Chair read the notice into the record.

Tim Phoenix attorney with Hoeffel, Phoenix, Gormley and Roberts PA, requested moving the presentation to the end of the meeting as the project engineer was not yet present due to traffic and weather conditions.

Mr. Gladhill made a motion to move the presentation of this application to the end of the public hearings. Mr. Barker seconded the motion. The motion passed unanimously.

(This application was presented at the conclusion of other business)

SPEAKING TO THE APPLICATION:

Mike Sievert with MJS Engineering was present representing Paul Berton, Owner (who was also present) along with Attorney Tim Phoenix.

This parcel is approximately a ¾ acre parcel. It has 120' feet of frontage on Broad Street. There is an existing single family home with an outbuilding and driveway. The proposal is to construct a single structure as shown on the site plan which will be a four unit townhouse in accordance with Section 10.440. On the large south facing side of the building there will be solar. The project

will incorporate low impact development such as rain gardens for drainage. Each townhouse will be approximately 3,000s.f. (two stories each with a footprint of 1500s.f.). The plans show a zoning table. There is a preliminary landscape plan. There is a layout of units included in the plans.

Ms. Berna provided an update of this process and the goal for this evening. This is an opportunity for the Planning Board to discuss a project before a formal application for site plan review is submitted. This is also an opportunity to voice concerns and provide guidance to the applicant. Design Review is nonbinding. The only formal action for the Planning Board is to determine if the Design Review process has ended.

Mr. Gladhill inquired about the decision to move the building further back and not keeping it in line with the other structures on the road.

Mr. Sievert stated that this decision was made in order to keep the decks open (to the back) instead of right at the edge of the house.

Ms. Moreau stated that there is currently a lot of open land behind these houses. This project will incorporate a lot of building in a small area. Has the applicant looked at drainage issues?

Mr. Siegert stated that they have looked at this issue. Rain gardens will address drainage. The driveway will potentially be porous asphalt as well, which would minimize runoff.

Ms. Moreau inquired about the current structure and asked what is wrong with it that it needs to be removed.

Paul Berton, owner, stated that there is nothing wrong with the building but it is not consistent with what they are proposing to build. It is not up to energy standards. The house is 110 years old and has its challenges.

Mr. Marsilia asked if the attic will be used for anything but storage.

Mr. Sievert said that it would not.

Mr. Marsilia noted that the roof line is just an architectural pitch and asked if the roof line could be brought down.

Mr. Sievert believed it could be brought down but is not the expert in this subject matter.

Deputy City Manager Allen concurred with Ms. Moreau that with the property being at a high point, drainage will be a significant issue on this property.

Mr. Gladhill stated that a house being 110 years old is not a good reason to take it down. There are many homes in the City that are much older. A lot could be done to bring the house up to energy efficiency standards. He asked the applicant if they would consider putting an addition on the current structure.

Mr. Berton stated that keeping the old structure would not serve the other three units well and that a new building will fit in better and it will still mirror what is there now.

The Chair called for public speakers:

David Underhill of 115 Pinehurst is a direct abutter to the facility. Mr. Underhill feels the development is not consistent with the character of the neighborhood and feels it would diminish the value of the properties abutting it. The ordinance states that the project can go forward only if there is a special exemption. To obtain that exemption certain standards must be met for location, traffic, etc. and it must also pose no detriment to property values in the vicinity, or change the essential characteristic of the residential neighborhood. For this project there would be eight garage spaces, eight other parking spaces and up to 16 cars coming and going off Broad Street on a 24 foot wide blacktop. He and his wife (Linda) oppose the special exemption for this project. He was one of 23 residents that signed a letter to City Council in October that opposed a similar project on the same property. There are a number of other neighbors also present this evening that oppose the project. Mr. Underhill thanked the Planning Board for consideration of his views.

Michelle Richard of 479 Broad Street is a direct abutter. Ms. Richard feels that the density, traffic and issues that will come with putting four units on the property will significantly diminish the value of their (only) single family home and will impact the quality of life for residents abutting the project.

The Chair asked if anyone else 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. Berna noted that due to the zoning amendment, the proposed development will need to go to the Board of Adjustment for a special exception before coming back to the Planning Board for site plan approval.

Deputy City Manager Allen stated that there is no commitment by the developer or the Planning Board this evening. There could be a variation on this plan.

The Chair stated that this is the process to identify potential issues, which has been done.

Ms. Moreau made a motion that the Design Review process has ended.

Mr. Barker seconded the motion.

The motion passed unanimously.

The Chair thanked everyone for coming out this evening and that public comment is always welcome and appreciated.



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. Proposed purchase of property at 113 Cottage Street (Assessors Map 174 Lot 16).

Ms. Berna stated that the City is in the process of acquiring this parcel from the federal government. The City Council referred this matter to the Planning Board at their last meeting. They are asking for a recommendation from the Planning Board.

David Moore, Community Development Director for the City of Portsmouth, was present to speak to the request. The City Council is requesting an advisory opinion regarding the purchase of the property located at 113 Cottage Street (.23 acres). It is a parcel nestled within the Paul A. Doble Army Reserve Center (3.4 acres). The City Council acting on the recommendations of staff is prepared to move forward with the acquisition. The purpose of the acquisition is to add to the square footage of the property to make it more usable to the City. The Doble center will be used much more intensively than it is currently with this new project. It is largely vacant now. The secondary reason for purchase is to minimize the conflicts with a residential type use.

Mr. Gladhill inquired about the condition of the house and whether it has been abandoned. Regarding the properties behind the center, why would the applicant not purchase those for the same reason? Mr. Gladhill is concerned about removing this as an opportunity for workforce housing, particularly when it is a property under \$300,000 (very difficult to come by in the city of Portsmouth).

Mr. Moore stated that the property is a single family home that is vacant but in good condition. The assessed value is \$247,000.00. The property is unique in that it is bordered on two sides by the Doble Center and lies between the larger parcel and a paper Street. This presents other opportunities for future use by the City. They are measuring long term recreation value against the value of this as a single family home. He does appreciate the consideration of this issue for workforce value.

Ms. Moreau stated that the home sat on the market for quite a long time so it may not be desirable as a location for potential buyers. She then inquired if the city has plans for the development of a paper Street or for use of it in the future.

Mr. Moore stated that there are no definitive plans for the paper Street. Their interest right now is in preserving options.

Mr. Marsilia inquired about plans after the parcel is purchased.

Mr. Moore stated that there are no immediate plans to raze the property until there is a more definitive use determined for the Doble Center. One of the options is that it may be a residential reuse for the time being.

Mr. Ricci shares the same concerns as Mr. Gladhill, but stated that many seniors would be using the Center and the City would be gaining a lot by purchasing it.

Deputy City Manager Allen stated that this opens up many opportunities for the City and concurs with the proposal.

Ms. Moreau made a motion to recommend to the City Council that the property located at 113 Cottage Street (Assessors Map 174 Lot 16) be purchased.

Mr. Barker seconded the motion.

The motion passed unanimously.



VII. OTHER BUSINESS

A. Request by Strawberry Banke Museum to extend the operating dates of the Puddle Dock Pond skating rink through March 15, 2015.

Mr. Barker and Mr. Gamester recused themselves from this request.

Mr. Gladhill made a motion to suspend the rules to allow Larry Yerdon to speak on behalf of the request by Strawberry Banke.

Ms. Moreau seconded the motion.

The motion passed unanimously.

Larry Yerdon of 372 Court Street, President and CEO of Strawberry Bank, was present to speak to the request. The original schedule for the rink was from December 1st through the end of February. Due to weather that was not conducive to setting of the ice (and the ice not being strong enough) at the beginning of the season, they had to open two weeks late. They would like to add two weeks onto the end of their open period effectively extending it to March 15th, 2015. This request is for this year only.

Ms. Moreau and Mr. Ricci inquired about feedback and abutter/noise complaints.

Mr. Yerdon stated that they have not had any complaints about noise to date. The sound study has been arranged but has yet to be conducted. Mr. Marsilia stated that this is a reasonable request and that everyone has been happy about the rink.

Mr. Leduc inquired about the range the ice can be maintained. Mr. Leduc has used the pond and is very happy with it.

Mr. Yerdon felt that they should be able to maintain the thickness (ice) into March.

Deputy City Manager Allen moved to extend the open dates of the rink to March 15th of this year only.

Mr. Gladhill seconded the motion.

The motion passed unanimously.



VIII. PLANNING DIRECTOR’S REPORT

Ms. Berna reminded the Board and the public that Jeff Speck will be speaking at two events this month. Mr. Speck is the author of “Walkable City: How Downtown Can Save America, One Step at a Time”. The first event is a public presentation titled “Towards A More Walkable Portsmouth” on Thursday, January 22nd at 7pm at the Seacoast Repertory Theatre as a guest of PS21.

The second event with Jeff Speck is on Friday, January 23rd from 11am – 1pm in City Council Chambers. This event is more of a technical workshop meant for land use staff members, and other interested staff. The workshop will focus on issues and solutions to assist land use boards and staff in implementation of the City’s policies in support of walkability and bikability.

Both events are free and open to the public, but please RSVP.

The City Council scheduled a work session on Feb 9th, 2015 at 6:30pm to discuss two topics. The session will be held in Council Chambers and the topics will be: 1) Short term rentals by homeowners 2) Abandoned or derelict buildings. Planning Board members are invited to attend the workshop.

Deputy City Manager Allen reminded everyone of the Islington St. Charrette Feb 20th-23rd, 2015. It will most likely be at the Frank Jones Center. A notice will be sent out as soon as details are finalized. It will be a well-attended event.



IX. ADJOURNMENT

A motion to adjourn at 8:10pm was made, seconded and passed unanimously.



Respectfully Submitted,

Toni McLellan
Acting Secretary for the Planning Board

These minutes were approved at the February 19, 2015 Planning Board meeting.