

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

FEBRUARY 19, 2015

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

MEMBERS EXCUSED: Michael Barker, William Gladhill

ALSO PRESENT: Rick Taintor, Planning Director

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the January 15, 2015 Planning Board Meeting – Unanimously approved.

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II. NORTH END CHARACTER BASED ZONING PRESENTATION

The presentation this evening is an opportunity for Planning Board members to ask questions and comment on the preliminary zoning recommendations before they are formalized in proposed amendments to the Zoning Ordinance. There will be no public input tonight. The draft North End Zoning Amendments will be presented to the City Council at the April 6, 2015 meeting, and a public hearing will be scheduled at the April 16, 2015 Planning Board meeting.

Mr. Taintor reminded everyone that the Design Charrette for the next phase of Character-Based Zoning will take place from Friday to Monday, February 20-23, 2015 at the Frank Jones Center on the Route 1 Bypass.

Brian Wright of Town Planning and Urban Design Collaborative presented the final Vision Plan and preliminary Character-Based Zoning for the North End Study Area.

Mr. Wright stated that they had a great turnout for the Charrette and the technical meetings were the most well-attended they have ever had. Participants noted on drawings and maps things they liked, didn't like, and where they would like to see improvements. Mr. Wright stated that they had great input from people that live in this area and know it so well. They also held impromptu meetings where people such as skateboarders would pop in to provide their opinion. They consolidated all the input onto one map so they could easily see where they needed to focus. They visited the study area to

ensure that they understood what was happening on the ground. They came away from the week with 6 big ideas:

- 1) Public Waterfront Access
- 2) Civic Spaces
- 3) Mixed-Income Housing
- 4) Contemporary Architecture
- 5) Taller Buildings
- 6) Sustainability

They conducted visual preference surveys to gather more specifics on the 6 big ideas. For this piece, participants stated what they were thinking of for Civic Spaces. Ideas for pocket parks and green streets were discussed. Participants were asked about architecture while viewing images of different types of buildings. They were able to calibrate preferences from this input while looking at different images. There were some surprises regarding what participants thought of as positive architectural images (such as tall and contemporary architecture). From all of this, a North End Preliminary Vision Plan was put together. Mr. Wright explained the Vision Plan and showed a map of existing and new buildings, as well as green space, pedestrian conductivity, underground parking, work/live areas, bike lanes, outdoor dining areas, and more. He then showed a series of pictures and drawings of what the completed area would look like when completed.

Participants stated that they would like to see more workforce housing in Portsmouth. There was a discussion about how to accomplish this amidst multi-million dollar condos. Density bonuses were discussed with regard to this topic. Islington Street may be a great opportunity for workforce housing. That area is not likely to have multi-million dollar condos. The economics of that area may work better for workforce housing.

Ms. Moreau inquired about the expected date of completion for the first draft.

Mr. Taintor stated that the schedule is to have a draft by the end of March, 2015 and to present the ordinance to the City Council at the April 6th, 2015 meeting. The Council would then schedule a first reading and forward it to the Planning Board for a public hearing which should occur at the April, 2015 meeting. Planning Board members would receive the draft at the same time as City Council.

Councilor Thorsen inquired about the building height limits at 60' and 70' and whether this was part of the workforce housing trade-off or the starting point.

Mr. Wright stated that 60' is currently the highest building and that this includes the bonus for civic space.

Mr. Cracknell stated that the online Vision Plan from the Charrette in November shows 60' and 70' buildings. The code they are currently working on will be available in a few weeks and is intended to show a maximum height a full story shorter with the intent that there will be a provision for a density bonus. Essentially, shorter buildings are the baseline with possibility for density bonus if civic space is provided. There will likely be no new Character Districts for the North End.

Councilor Thorsen stated that the North End does not seem to be an appropriate area for workforce housing. This area seems to be more of an urban economic center than a living area.

Mr. Cracknell stated that workforce housing seems more appropriate in the Islington Street Corridor given the land values and character of this area. It would be extremely difficult to procure affordable housing within the North End (south of the bridge from Harborcorps forward). It would be very difficult to make the economics work when the condos/residential units selling in this area are often 5-7 times the price of what market rents would be for affordable housing. There would need to be many more stories on buildings in order to make the economics work for affordable housing. In NH, it is not permissible to have mandatory affordable housing in your zoning code and as a result, it must be incentive based. They will have a good idea of how people feel about this in the next few days during the Charrette.

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III. DETERMINATIONS OF COMPLETENESS

A. Subdivision:

1. The application of **Doaks, LLC, Owner**, for property located at **100 Portsmouth Boulevard** and **Brora, LLC, Owner**, for property located **on Dunlin Way**, for Preliminary and Final Subdivision Approval for a lot line revision.

Ms. Moreau made a motion to determine that the application is complete according to Site Plan Review Regulations and to accept it for consideration. Deputy City Manager Allen seconded the motion. The motion passed unanimously.

B. Site Plan Review:

1. The application of **Merton Alan Investments, LLC, Owner** and **Robert Graham, Applicant**, for property located at **30 Cate Street (corner of Bartlett Street and Cate Street)**, requesting Site Plan approval to construct a 3-story office building.

Deputy City Manager made a motion to determine that the application is complete according to Site Plan Review Regulations and to accept it for consideration. Ms. Moreau seconded the motion. The motion passed unanimously.

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Chairman Ricci requested that Items A, B, C, D and E under Public Hearings Old Business and Items B, C, D and G under Public Hearings New Business be taken out of order for the purpose of postponement.

Deputy City Manager Allen made a motion to take these items out of order. Ms. Moreau seconded the motion.

The motion passed unanimously.

IV. PUBLIC HEARINGS – OLD BUSINESS

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 September 18, 2014 Planning Board meeting).

DISCUSSION AND DECISION OF THE BOARD

Mr. Taintor stated that the applicant had requested postponement to the March meeting of the Planning Board. This matter has been before the Planning Board 8 times in the past 16 months and has not moved forward. It has been quite some time since abutters were last notified. It is the recommendation of Mr. Taintor at this time that this application be postponed indefinitely. Indefinite postponement would require new legal notices and abutter notification when the application is placed on the agenda again.

Deputy City Manager Allen made a motion to postpone consideration of the Conditional Use Permit Approval indefinitely. Ms. Moreau seconded the motion.

The motion to postpone consideration of the Conditional Use Permit approval indefinitely passed unanimously.

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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 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 January 15, 2015 Planning Board Meeting.)

The Chair read the notice into the record.

DISCUSSION AND DECISION OF THE BOARD

Mr. Taintor stated that it has been approximately 8 months and this project has not moved forward. It is his recommendation at this time that the application be postponed indefinitely. When it is rescheduled, abutters will have to be notified.

Mr. Marsilia made a motion to postpone consideration of the Conditional Use Permit Approval indefinitely. Deputy City Manager Allen seconded the motion.

The motion to postpone consideration of Conditional Use Permit Approval indefinitely passed unanimously.

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C. 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 January 15, 2015 Planning Board Meeting.)

The Chair read the notice into the record.

DISCUSSION AND DECISION OF THE BOARD

Ms. Moreau made a motion to postpone consideration of Preliminary and Final Subdivision Approval indefinitely. Mr. Gamester seconded the motion.

The motion to postpone consideration of Preliminary and Final Subdivision Approval indefinitely passed unanimously.

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D. The application of **Moray, LLC, Owner**, for property located at **235 Commerce Way**, and **215 Commerce Way, LLC, Owner**, for0 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. (This application was postponed at the January 15, 2015 Planning Board Meeting.)

The Chair read the notice into the record.

DISCUSSION AND DECISION OF THE BOARD

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

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

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E. 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. (This application was postponed at the January 15, 2015 Planning Board Meeting.)

The Chair read the notice into the record.

DISCUSSION AND DECISION OF THE BOARD

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

The motion to postpone consideration of Site Plan Approval to the next Planning Board meeting passed unanimously.

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V. PUBLIC HEARINGS – NEW BUSINESS

A. The application of the **City of Portsmouth, Owner**, for property located at **Junkins Avenue**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a tidal wetland buffer to reconstruct existing tennis and basketball courts, with 5,660± s.f. of impact to the wetland buffer. Said property is shown on Assessor Plan 114 as Lot 1 and lies within the Municipal (M) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Dan Hartrey, Facilities Project Manager for the City of Portsmouth, was present to speak to the application.

The applicant is proposing to replace the surface on the existing tennis and basketball courts as well as the lights around the baseball field. The surface will be impervious. Approximately 5660s.f. of the project lies within the tidal wetland area. The applicant plans to take test borings when the weather conditions permit.

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 moved to grant Conditional Use Permit Approval with stipulations listed in the Planning Department memorandum. Mr. Marsilia seconded seconded the motion.

The motion to grant Condition Use Permit Approval passed unanimously with the following stipulations:

- 1. The City shall refrain from mowing within 25’ of the water’s edge.
- 2. The City shall plant shrubs and other native vegetation in the buffer of South Mill Pond.

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B. The application of **Rye Port Properties, Owner, Charter Foods North, LLC, Applicant**, for property located at **2299 Lafayette 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 50-seat 2,500 s.f. Taco Bell Restaurant with drive-thru, with 5,990 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Plan 272 as Lot 10 and lies within the Gateway (G) District.

The Chair read the notice into the record.

DISCUSSION AND DECISION OF THE BOARD

Ms. Moreau made a motion to postpone consideration of Conditional Use Permit Approval to the next Planning Board meeting. Mr. Gamester seconded the motion.

The motion to postpone consideration of the Conditional Use Permit Approval to the next Planning Board meeting passed unanimously.

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C. The application of **Loughlin Revocable Trust, Owner, and Peter J. Loughlin, Applicant**, for property located off Thaxter Road, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer and inland wetland to widen an existing trail to provide a 10’ access path and to install an 18” culvert in the existing drainage swale, with 2,500 ± s.f. of impact. Said property is shown on Assessor Plan 167 as Lot 5 and lies within the Single Residence B (SRB) District.

The Chair read the notice into the record.

DISCUSSION AND DECISION OF THE BOARD

Ms. Moreau made a motion to postpone consideration of the Conditional Use Permit Approval to the next Planning Board meeting. Deputy City Manager Allen seconded the motion.

The motion to postpone consideration of the Conditional Use Permit Approval to the next Planning Board meeting passed unanimously.

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D. The application of **John G. Pappas Revocable Trust 2004, Owner**, for property located at **6 Vine Street** (vacant lot), requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to construct a 42' x 29' single family home, with 1,516± s.f. of impact to the wetland buffer (674 s.f. impact for the structure and 871 s.f. for temporary construction). Said property is shown on Assessor Plan 233 as Lot 107 and lies within the Single Residence B (SRB) District.

The Chair read the notice into the record.

DISCUSSION AND DECISION OF THE BOARD

Ms. Moreau made a motion to postpone consideration of the Conditional Use Permit Approval to the next Planning Board meeting. Mr. Gamester seconded the motion.

The motion to postpone consideration of the Conditional Use Permit approval to the next Planning Board meeting passed unanimously.

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E. The application of **Doaks, LLC, Owner**, for property located at **100 Portsmouth Boulevard** and **Brora, LLC, Owner**, for property located on **Dunlin Way**, requesting Preliminary and Final Subdivision (Lot Line Revision) approval as follows:

- a. Assessor Map 213 Lot 2 decreasing in area from 10.043± acres to 5.004± acres and continuous street frontage decreasing from 885' to 759'.
- b. Assessor Map 213, Lot 12 increasing in area from 5.313± acres to 10.351± acres and 126' of street frontage added on Portsmouth Boulevard;

Said properties lie in the Office Research (OR) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Patrick Crimmins with Tighe and Bond was present to speak to the application. The purpose of this application is to sell the hotel. There are 2 existing lots; one is a vacant lot in the back (Lot 12), the other is Hilton Homewood Suites (Lot 2). As part of the lot line revision, the proposal is to make the hotel parcel 5.004 acres and the proposed lot (12) in the rear, 10.351 acres. The lots meet subdivision regulations. Mr. Crimmins addressed the concerns listed in the Planning Department memorandum. The applicant is looking to retain as much land as possible to ensure that it stays as is and remains

under the control of the applicant. There is a 100' wooded buffer between the hotel site and the residential area. This buffer will remain. The applicant understands that the shape of the parcel is unique. However, it was subdivided in a certain manner so as to retain control of as much land as possible. All setback requirements have been met, building coverage is only at 14% (less than half of what is allowed) and the 5 acre parcel is at 50% open space.

Ms. Moreau stated that there is nothing that guarantees that the property will stay as is in the future. Someone down the road may change things unless the area is put into Conservation Easement. The Site Plan as originally submitted would accomplish this because it keeps the buffer zones. She inquired as to whether the applicant had considered subdividing the parcel such that there would be a straighter property line in the back.

Mr. Crimmins stated that this was a consideration but the owner of the parcel is trying to maintain ownership of as much of the land as possible and as proposed, it will be a legal lot. However, Mr. Crimmins will speak to his client about this matter to determine if he is willing to make the change that Ms. Moreau is suggesting.

Chairman Ricci stated that the owner can achieve the buffer simply by putting the back piece in question in Conservation Easement (in effect making it unbuildable) and this would achieve the objective Ms. Moreau is suggesting while the owner would maintain control.

Mr. Crimmins stated that once that piece is sold, the owner would no longer maintain control of it and again the goal of the applicant is to maintain control over as much land as possible.

Mr. Taintor suggested that a landscaping easement may be appropriate. The land would be unbuildable but the landowner would maintain control over the land and could landscape the parcel as he sees fit.

Councilor Thorsen inquired if the part of the property in question remains with the hotel, would it change the ability to sell the parcel.

Sharon Somers with Donahue, Tucker and Ciandella, PLLC was present to speak to the application. She stated that the driving force behind wanting the subdivision is to sell the hotel. The purpose in configuring the subdivision as they have is to retain control of land beyond the hotel to enable the sale while still meeting Zoning Regulations. The applicant owns the property on the corner of Osprey Boulevard and Portsmouth Avenue. The owner would also like to control the appearance and operation of the site. Given all this, and the fact that they feel they have configured the site so as to optimize the sale, the applicant is not inclined to change the configuration of the lot. Ms. Somers feels that the goals and objectives of the applicant and the Planning Board can be met simply by adding the same conditions of approval that were part of the Site Plan in 2004.

Attorney Somers inquired as to whether it is the shape/configuration of the site that is of concern to the Planning Board.

Chairman Ricci stated that he is not comfortable with the way the site is currently configured. If the goal of the applicant is to keep the land behind the hotel as it is, an easement of some sort would accomplish this goal.

Mr. Taintor stated that he feels that this should be referred to TAC for a revised Site and Subdivision Plan that will address the landscaping and buffer issues. He stated that there is not enough information to know if there are any other Site Plan issues.

Attorney Somers would like to confer with her client in regards to the lot configuration changes suggested by the Planning Board this evening. In light of this, she is requesting postponement.

Deputy City Manager Allen stated that on the back of the property, no matter what happens to the configuration of the Site, the grading should be depicted on the plan.

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 postpone consideration of Preliminary and Final Subdivision Approval to the next Planning Board meeting. Mr. Gamester seconded the motion.

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

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F. The application of **Merton Alan Investments, LLC, Owner** and **Robert Graham, Applicant**, for property located at **30 Cate Street (corner of Bartlett Street and Cate Street)**, requesting Site Plan Approval for a proposed 3-story office building with a footprint of 10,000 ± s.f. and gross floor area of 30,000 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 165 as Lot 1 and lies within the Industrial (I) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Patrick Crimmins with Tighe and Bond was present to speak to the application. Currently the parcel is vacant. The site is primarily composed of vegetation with remnants of a foundation in the rear. It is an irregular (triangular) shape so it has been challenging to design, but the applicant feels that they have configured the space in the best possible way maximizing utilization. The applicant worked with TAC for the design. The project will be 30,000s.f. of work space. In the original plan, the building was closer to the road. With the building now pushed back, it will allow for roadway alignment. Parking is situated in the rear of the parcel. There are 120 parking spaces. It will have landscaping throughout. There will be street trees along Cate Street. There will be additional evergreen screening along the rear of the property. As part of the Stormwater Management Plant, the project includes 2 raingardens, one in front and one in back. This will reduce volume of runoff and peak rates. They will provide 4 bike racks, which will provide 8 bicycle spaces. A dumpster pad with an enclosure will also be installed. A photometric plan that shows lighting levels for the parking area is included. The fixtures are dark-sky

compliant. The applicant is proposing to extend the road, realign it and extend it out to Borthwick Avenue. They will not be realigning anything beyond their site. They will provide the City with approximately 7,300 s.f. of land to widen the road near the intersection of Cate Street and Bartlett Street. This road will provide a minimum 50' right-of-way width. The applicant has been working with DPW to come up with a configuration for 2 turning lanes allowing for a left and a right turn off Bartlett Street onto Cate Street, as well as 2, 5' bicycle lanes on either side of the street. Along the road, they will construct a 6' sidewalk. Public utilities (which run along the roadway) are now on a private parcel. By widening the roadway, they will be on public land. Sheet L1 is a detailed Landscape Plan. The irregularly shaped lot required variances because of the setbacks. This is currently in the Industrial Zone but will potentially be rezoned as the Gateway District. They have obtained variances for both the front and rear setbacks for both Districts.

Mr. Taintor stated that this Plan is consistent with what the Gateway District allows. The applicant has been very cooperative working with City staff and making requested changes. Peter Britz has reviewed and signed off on the plantings for the raingardens. From the TAC point of view, this application is ready to go.

Councilor Thorsen acknowledged that it must have been difficult dealing with two possible scenarios for Districts. He wondered whether this Plan will fit into the vision of the Charrette (which is hard to answer before the Charrette). For example, in the West end, there is a holistic development approach being pursued with denser development. His concern is that if this design is approved tonight, that it approves deviation away from the vision the City is working towards.

Mr. Taintor stated that the site is exempt from Character District Zoning. This is the first step to getting the project permitted.

Ms. Moreau stated that the building on site fits into the narrowest portion of the entire lot. She understands this was done in order to incorporate the 120 parking spaces on one side of the building. However, she inquired if the applicant had considered shifting the building more towards the parking lot and putting the parking underground which would allow more green space.

Mr. Crimmins stated that if they did so, they would have to put service parking on the other side of the building and that would require another variance. With respect to underground parking, there would be a lot of construction and groundwater concerns as well as concerns of the cost of construction. They are just proposing surface parking at this time.

Chairman Ricci stated that he likes the raingardens, and the drainage, and realizes this is a challenging site, but is troubled by the proportion of parking to building area. He suggested that perhaps the building can be moved out over the parking area. He also inquired as to whether there was a consideration to put a guardrail on top of the retaining wall as it is approximately 9' from the top of the berm down to the pavement.

Mr. Crimmins stated that there will be a guardrail.

Chairman Ricci inquired as to whether pervious pavement was a consideration.

Mr. Crimmins stated that the applicant did not consider pervious pavement. Maintenance and replacement would be much more costly down the road than raingardens. He felt that raingardens would achieve the infiltration of stormwater and will reduce runoff below the current rates.

Chairman Ricci stated that the raingardens are below the elevation of the pavement.

Mr. Crimmins stated that the raingardens are in fact below elevation in places on site, but they are placing underdrains in those areas.

The Chair called for public speakers.

Paul Mannle of 1490 Islington Street posed a process question and inquired about the date of the application. He stated that if the application was made prior to December then Gateway would not apply and CD4 would apply because the zoning that is in place when the application is submitted is the zoning that must be followed. Every document he has seen relating to this application has had a date of November 17th; in which case the applicant must comply with both Industrial and CD4 Zoning. He also expressed concern that this application was not made public.

Mr. Taintor stated that the date of the application was after CD4 was voted down by the City Council. The zoning in place at the time of permitting (not the time of application) is the zoning that must be followed. They must also comply with any zoning for which a public hearing has been advertised and no final action has been taken. Final action has been taken on CD4 (it no longer exists) while no final action has been taken on Gateway. Given this, the applicant must comply with the Gateway District Zoning. The relevant date is the date that the Site Plan is approved, not the date the application is submitted. No permit can be granted unless compliance is complete, but no permit has been granted to date for this application. Mr. Mannle inquired as to why, if this development was in the planning stages back in July, wasn't it mentioned. All that was mentioned was that this parcel would be changed to the Gateway District.

Rick Beckstead of 1395 Islington Street spoke to the application. He stated that he has a problem with the application. He inquired as to why the plans for this site were not made public and why hadn't abutters received notices. He stated that there is a neighborhood in this area that is counting on the Charrette. Tomorrow night, at the Charrette, he would like to see the plans for this application. Another concern he has is that there is more parking for this site than for most buildings in downtown Portsmouth. The possibility of shared parking scares him and he stated that this is how/why the parking problem in downtown has gotten to be such a problem. The minute this is shared, the parking requirements are cut down.

Mr. Taintor clarified that a letter was received from the applicant that they had no objection of changing to, and complying with, Gateway District Zoning. This was reported in a public meeting of the Planning Board relating specifically to this parcel. It may not have been presented/discussed at a City Council meeting, but it was brought forth at a Planning Board meeting publicly.

Chairman Ricci stated that the purview of this Board is to review what is in front of them today and the applicant has met all requirements to date.

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

Deputy City Manager Allen shares the same concerns about the degree of pavement and parking on this site. He acknowledged that the Planning Director has worked very hard on this application with DPW. There are a lot of improvements on this plan that help traffic and further the bike/pedestrian plans of the City. If it were not for the large expanse of parking lot, he would not have any trouble with this application at all. What he heard tonight in the public hearing does not concern him. The Planning Board has been aware of this application and he has no qualms regarding passing judgment on this plan as presented this evening and moving forward with it.

Ms. Moreau is concerned about the degree of asphalt. There is a way to have less visible parking, more green space and still achieve the goals of the project. She likes the idea of putting the parking under the building. She does not support the project as is, and feels that there are some relatively easy solutions to the problems discussed tonight.

Mr. Taintor does not like an overabundance of parking on a site, but is not concerned about this one because it is the right amount of parking for 3 stories and 30,000 s.f. of office space. He would be hesitant to put parking under the building because it would make this site less pedestrian friendly. Mr. Taintor feels that what is presented is the best that can be done with this site given current zoning.

Councilor Thorsen stated that he personally does not like the design, but would not vote against it based solely on that. The applicant has met requirements and he can find no other reason/principal to vote against it. The suggestions tonight seem to be for total redesign, not stipulations.

Chairman Ricci stated that the applicant did a great job designing this project and that the Planning Board and the City of Portsmouth expect a lot of applicants. He acknowledges that there is an issue with downtown parking in Portsmouth, but projects/applicants have been creative and innovative and this is part of what makes Portsmouth great. A lot of care and thought was put into this application and although the design is not creative and innovative, it meets all criteria.

Chairman Ricci stated that dealing with the impervious pavement is more than a stipulation.

Ms. Moreau stated that this is why the design review process is so important and that it really does work.

Deputy City Manager Allen made a motion to approve the Site Plan application with stipulations. Mr. Gamester seconded the motion.

The motion passed with a 5-3 vote (Ms. Moreau, Councilor Thorsen and Mr. Leduc voted against the motion) with the following stipulations:

1. The applicant shall work with the Department of Public Works on the final redesign of Cate Street and on an appropriate sharing of costs for the work (or shall do the work in conjunction with the proposed project).
2. The applicant shall enter into a Memorandum of Agreement with the City regarding land transfers and easements necessary to implement the proposed site plan and roadway improvements, and cost sharing for the improvements to Cate Street.
3. The applicant shall prepare a land transfer and easement plan showing the final delineation of land transfers and easements, which shall be subject to approval by the Planning and Public Works Departments.
4. The Site Plan (Sheet C-2), Landscape Plan (Sheet L-1) and Land Transfer and Easement Plan shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.
5. A fence shall be constructed on the retaining wall which runs adjacent to the property line that abuts the railroad tracks.

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G. The application of **Dale W. and Sharyn W. Smith, Owners**, and **Richard Green, Green & Company Real Estate, Applicant**, for property located at **275 Islington Street**, requesting Site Plan Approval 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.

DISCUSSION AND DECISION OF THE BOARD

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

The motion to postpone consideration of Site Plan Approval to the next Planning Board meeting passed unanimously.

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VI. OTHER BUSINESS

A. Proposal to rename the portion of Central Avenue between Maplewood Avenue and Myrtle Avenue.

Mr. Taintor distributed a map showing two blocks of Central Avenue. The block north of Maplewood is all residential. The block to the south is industrial. There are 3 house lots going in. In order to go forward, the lots must be numbered. If the name is to be kept as Central Avenue, all the residential house lots would have to be renumbered. This does not seem reasonable. Therefore he is proposing to rename the Avenue. He consulted lists that were prepared back in 2008 as part a larger look at City street names. One of the lists was that of former City Mayors. He also looked at a 1904 map depicting

property ownership in the area. He proposed new names based on those lists. The name of John W. Emery appeared on both lists. He was Mayor and also State Senator. There was also an "Emery" that had large landholdings. His suggestion was to rename that portion of Central Avenue "Emery Street". The only lot that would have to be renumbered is one bus lot, number 2.

Ms. Moreau made a motion to rename Central Avenue to Emery Street. Deputy City Manager Allen seconded the motion.

The motion passed unanimously.

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VII. PLANNING DIRECTOR'S REPORT

No report this month

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VIII. ADJOURNMENT

A motion to adjourn at 8:52 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Toni McLellan
Acting Secretary for the Planning Board

These minutes were approved at the March 19, 2015 Planning Board Meeting.