

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

MARCH 19, 2015

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

MEMBERS EXCUSED: John Ricci, Chairman;

ALSO PRESENT: Rick Taintor, Planning Director; Jessa Berna, Associate Planner

I. APPROVAL OF MINUTES

- A. Approval of Minutes from the February 19, 2015 Planning Board Meeting – Unanimously approved. (Mr. Gladhill abstained)
- B. Approval of Minutes from the July 17, 2014 Planning Board Meeting – Unanimously approved.
- C. Approval of Minutes from the August 21, 2014 Planning Board Meeting – Unanimously approved.

II. 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**, requesting Preliminary and Final Subdivision (Lot Line Revision) approval.

Voted to determine that the application was complete according to Preliminary and Final Subdivision (Lot Line Revision) Rules and accepted it for consideration

B. Site Plan Review:

- 1. 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.

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

- 2. The application of **Rye Corner Gas, LLC, Owner**, for property located at **1150 Sagamore Avenue, Two Wentworth House Road LLC, Owner**, for property located at **2 Wentworth House Road**, and the **Bean Group, Applicant**, requesting Site Plan Approval for the demolition of an abandoned gas station and a single family dwelling and the construction of an 8,000 s.f. professional office building.

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

- 3. The application of **North End Properties, LLC, Owner, and Deer Street Development Company, Inc., doing business in NH as Harborcorp of Portsmouth, Applicant**, for property located on **Russell Street, Deer Street and Maplewood Avenue**, requesting Site Plan Approval for a proposed 5-story mixed use development with a footprint of 72,600 ± s.f. and gross floor area of 352,736 ± s.f..

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

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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 **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. (This application was postponed at the February 19, 2015 Planning Board Meeting.)

Voted to **postpone** to the May 21, 2015 Planning Board Meeting.

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B. 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 February 19, 2015 Planning Board Meeting.)

Voted to **postpone** to the May 21, 2015 Planning Board Meeting.

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C. 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. (This application was postponed at the February 19, 2015 Planning Board Meeting.)

Voted to **postpone** to the April 16, 2015 Planning Board Meeting.

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D. 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. (This application was postponed at the February 19, 2015 Planning Board Meeting.)

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

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E. 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. (This application was postponed at the February 19, 2015 Planning Board Meeting.)

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

1. A notice of the Stormwater Management Inspection and Maintenance Plan which includes inspection and maintenance requirements for the current and future owners shall be filed with the Registry of Deeds.

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F. 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. (This application was postponed at the February 19, 2015 Planning Board Meeting.)

Voted to **grant** Subdivision approval with the following stipulations:

- 1. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
- 2. GIS data shall be provided to the Department of Public Works in the form as required by the City.
- 3. The final plat and deed shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

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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. (This application was postponed at the February 19, 2015 Planning Board Meeting.)

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

- 1. The sidewalk detail shall be revised by replacing the wire reinforcement with fiber reinforcement, as approved by the Department of Public Works.
 - 2. The final drainage and utility plans shall be revised to address the issues identified by the Department of Public Works and shall be reviewed and approved by the DPW.
 - 3. The Site Plan (Sheet C3) and Landscape Plan (Sheet L1) shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department, prior to the issuance of a building permit.
 - 4) The applicant shall revise the Site Plan to conform with the variances for the left and right side yards as approved by the ZBA.
 - 5) The applicant shall obtain further relief for open space from the ZBA as shown on the plan.
 - 6) The plan shall be revised by adding a sign at the Rockingham Street exit for no left turn out of the site.
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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 **Denise A. Croteau Revocable Trust, Owner**, for property located at **241 Walker Bungalow 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 288 ± s.f. addition onto the rear of the existing structure with 598 ± s.f. of impact. Said property is shown on Assessor Plan 202 as Lot 13 and lies within the Single Residence B (SRB) District.

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

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B. The application of **Harrison Alan Workman, Owner**, and **Heidi S. Ricci, Applicant**, for property located at **912 Sagamore Avenue**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within a tidal wetland buffer for septic system and driveway construction, with 477 ± s.f. of permanent impact to the wetland buffer and 2,411 ± s.f. of temporary impact to the wetland buffer.. Said property is shown on Assessor Plan 223 as Lot 26 and lies within the Waterfront Business (WB) District.

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

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C. The application of **Liberty Mutual Group, Owner**, for property located at **225 Borthwick Avenue**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer including 216± s.f. of permanent impact to construct a 50’ x 50’ concrete pad for a new emergency egress from the southerly building and 448 ± s.f. of temporary impact to allow for construction access to the building during construction, for a total of 670 s.f. of impact to the wetland buffer.. Said property is shown on Assessor Plan 240 as Lot 1 and lies within the Office Research (OR) District.

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

- 1. Native vegetation shall be planted in the areas shown on the plan as temporary disturbance.

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D. The application of **Rye Corner Gas, LLC, Owner**, for property located at **1150 Sagamore Avenue**, **Two Wentworth House Road LLC, Owner**, for property located at **2 Wentworth House Road**, and the **Bean Group, Applicant**, requesting Site Plan Approval for the demolition of an abandoned gas station and a single family dwelling and the construction of an 8,000 s.f. professional office building, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 201 as Lots 21 and 22 and lies within the Mixed Residential Business (MRB) district.

- A. Voted to **grant** a waiver of Section 5.2.4 of the Site Plan Regulations, which requires, at a minimum, that sidewalks shall be located along the front of the site, along the front of buildings, and shall connect to building entrances.
- B. Voted to **grant** a waiver of Section 8.1.2 of the Site Plan Regulations, which requires that all new and relocated wires, conduits and cables shall be located underground.
- C. Voted to **grant** site plan approval subject to the following stipulations:
 - 1. A Voluntary Lot Merger shall be prepared by the applicant, approved by the Planning Director and recorded at the Registry of Deeds prior to the recording of the approved Site Plan.
 - 2. A delineator post shall be added about 18”-24” behind the curb on the south side of the project site driveway.
 - 3. Monitoring wells and the cut line on Wentworth Road shall be shown on Sheet C-3 (Site Layout Plan).
 - 4. The application for a building permit shall be accompanied by clearance data from the State regarding VOC contamination.
 - 5. The approved Site Plan, sheets C-3 (Site Layout Plan) and C-6 (Landscape Plan) shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department, prior to the issuance of a building permit.

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E. The application of **North End Properties, LLC, Owner, and Deer Street Development Company, Inc., doing business in NH as Harborcorp of Portsmouth, Applicant**, for property located on **Russell Street, Deer Street and Maplewood Avenue**, requesting Site Plan Approval for a proposed 5-story mixed use development with a footprint of 72,600 ± s.f. and gross floor area of 352,736 ± s.f., including a hotel/event center with 24,000 s.f. of event center space and 97 hotel rooms, 23 residential condominiums, a 44,169 s.f. of retail, and 523 parking spaces (382 spaces in a garage structure and 141 below-grade spaces serving the retail use); with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 125 as Lot 21, Assessor Map 118 as Lot 28 and Assessor Map 124 as Lot 12, Assessor Map 119 as Lot 1-1A, Assessor Map 119 as Lot 1-1C and Assessor Map 119 as Lot 4 and lies within the Central Business B (CBB) District, the Downtown Overlay District (DOD) and the Historic District.

Voted to **postpone** consideration of Site Plan application to a special Planning Board meeting scheduled for Thursday, March 26, 2015 at 7:00 pm.

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V. CITY COUNCIL REFERRALS

- A. Request from the City Council for a recommendation on Short Term Rentals.

Voted to schedule a public hearing at the April 16th, 2015 Planning Board meeting.

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VI. PLANNING DIRECTOR’S REPORT

Mr. Taintor gave an update on:

- A. The proposed rezoning of the parcels on Cate Street.
- B. The Planning Department’s progress on the North End Character Zoning.
- C. The City Council will be holding a Work Session on impact fees on Monday, March 23rd, and,
- D. PS21 has invited an outside expert from Cornell (Michael Manville) to speak about parking and downtown economic vitality on April 2nd, 2015 at 6:30pm.

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VII. ADJOURNMENT

A motion to adjourn at 8:56 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board