

MINUTES

**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

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I. APPROVAL OF MINUTES

- A. Approval of Minutes from the February 19, 2015 Planning Board Meeting –Unanimously approved (Mr. Gladhill abstained from voting as he was not present at the meeting).
- 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.

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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.

The Vice-Chair read the notice into the record.

Mr. Gamester made a motion to determine that the application is complete according to Preliminary and Final Subdivision (Lot Line Revision) Rules 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 **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

The Vice-Chair read the notice into the record.

M. Gamester made a motion to determine that the application is complete according to Site Plan Review Regulations and to accept it for consideration. Mr. Gladhill seconded the motion.

The motion passed unanimously.

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.

The Vice-Chair read the notice into the record.

Mr. Gamester made a motion to determine that the application is complete according to Site Plan Review Regulations and to accept it for consideration. Mr. Barker seconded the motion.

The motion passed unanimously.

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.

The Vice-Chair read the notice into the record.

Mr. Gamester made a motion to determine that the application is complete according to Site Plan Review Regulations and to accept it for consideration. Mr. Barker seconded the motion.

The motion passed unanimously.

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The Vice-Chair asked for a motion to take items A, B and C from Old Business out of order for the purposes of postponement.

Mr. Gamester made a motion to take items A, B and C from Old Business out of order for the purposes of postponement. Mr. Gladhill seconded the motion.

The motion passed unanimously.

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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.)

The Vice-Chair read the notice into the record.

Mr. Gamester made a motion to postpone consideration of the application to the May 21, 2015 Planning Board meeting. Mr. Gladhill seconded the motion.

The motion to postpone Preliminary and Final Subdivision Approval to the May 21, 2015 Planning Board meeting passed unanimously.

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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.)

The Vice-Chair read the notice into the record.

Deputy City Manager Allen made a motion to postpone consideration of the application to the May 21, 2015 Planning Board meeting. Mr. Gladhill seconded the motion.

The motion to postpone consideration of Site Plan Approval to the May 21, 2015 Planning Board meeting passed unanimously.

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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.)

The Vice-Chair read the notice into the record.

Deputy City Manager Allen made a motion to postpone consideration of the application to the April 16th, 2015 Planning Board meeting. Mr. Gamester seconded the motion.

The motion to postpone consideration of the Conditional Use Permit approval to the April 16, 2015 Planning Board meeting passed unanimously.

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The Vice-Chair asked for a motion to take item E from New Business out of order as the applicant was running late.

Deputy City Manager Allen made a motion to take Item E from New Business out of order. Mr. Gamester seconded the motion.

The motion to take Item E from New Business out of order passed unanimously.

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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.)

The Vice-Chair read the notice into the record.

Deputy City Manager Allen made a motion to move consideration of the application to the end of Old Business on the agenda. Mr. Gladhill seconded the motion.

The motion to move consideration of the Conditional Use Permit to the end of Old Business passed unanimously.

SPEAKING TO THE APPLICATION:

Mr. Gamester recused himself from voting on the application.

Mr. Loughlin was out of town this evening. Eric Weinrieb of Altus Engineering, Inc. was present to speak to the application. Mr. Weinrieb stated that Mr. Loughlin realized a lifelong dream in December of 2014 when he was able to purchase this property. His family has enjoyed the land for many years. Mr. Loughlin would like to continue to keep the property as a tree farm and gardens. He would like to continue to maintain the trails and manage the land for wildlife habitat. Purchasing the property allows him to keep the land in those uses. Mr. Weinrieb went through the 5 criteria that meet the conditions for approval of the permit.

The Vice-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 made a motion to approve the Conditional Use Permit. Mr. Barker seconded the motion.

The motion to approve the Conditional Use Permit passed unanimously.

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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.)

The Vice-Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Bernie Pelech, Attorney, was present to speak to the application. The building is now pushed as far to the front of the property as possible and is designed to meet the zoning ordinance. Mr. Pelech introduced Steve Riker, Wetland Scientist from Ambit Engineering. Mr. Riker spoke about actions the applicant has taken that would reduce impact. The wetland is part of a larger wetland system that is between Islington Street and Green Street. The lot is mowed lawn. There is an existing paved driveway used to access another house on the lot. He echoed that the house has been moved as far forward toward Vine Street as possible. Both the driveway and patio are pervious structures to help with stormwater infiltration. There is also a drip strip that will handle water from the roof. All trees will

remain on the site. They submitted a Stormwater Management Implementation Plan as well as a Maintenance Plan ensuring the stormwater structures work. There will be restricted covenants placed on the deed so that any future owner will be required to continue maintenance of the stormwater structures as noted in the deed.

The Vice-Chair opened the public hearing and called for first time public speakers.

Paul Mannle of 1490 Islington Street was present to speak to the application. He is a direct abutter. He knew the applicants father since the time he (Mr. Mannle) moved there to the time of his passing. He stated that the applicant's father owned this property to access Islington Street but did not use it as an entrance. He also accessed City sewer through this property. He grew blueberries on this parcel. He is against the proposal and feels that the application should never have gotten to the Board of Adjustment. The lot size is 5,750 s.f. Zoning requires 15,000s.f. The lot size is 38% of what is required. There has been a lot of talk in Portsmouth about making the City more conforming to the zoning ordinances. This project is less conforming. The lot coverage is 21.2%. As it stands, the applicant needs a variance.

Paul Mannle of 1490 Islington Street (second time speaking). He stated that he met the builder during a snowstorm. The builder was out on the property taking measurements to move the building. Mr. Mannle stated that he cannot tell from the drawings whether the building is 30' from the road. If it is not, the applicant will need another variance. His hope is that the Planning Board does not grant approval. If that does happen, he would like a stipulation, at a minimum, protecting the "Shagbark Black Walnut" in the back corner of the property. This tree is listed on the UNH tree list and is one of the tallest in the state.

Attorney Pelech stated that they appeared before the BOA and successfully demonstrated to the BOA that the lot is very similar in size to the other lots in the area. The BOA was satisfied with the size and granted the variance. Most of the lots in this area were 5,000s.f. lots or smaller. They are happy to preserve the Shagbark Hickory. The Conservation Commission recommended approval.

Mary Beth Savage of 10 Vine Street was present to speak to the application. She is a direct abutter. The only communication to her was an abutter notice that she received once. She submitted a letter with a signed petition from the neighborhood. She would like to share a few points. The Stormwater Management Plan was accepted by the Conservation Commission, but what protection does she have if stormwater drains into her yard. Her property is 6' below the construction grade. The side setback is only 10' from her property. A 2 ½ story home feels overwhelming to her house which is a 1,000s.f. cape. Lastly, there is a broken down fence owned by the Pappas family. She would like the fence replaced as part of the variance. This would afford her some privacy. The space is too limited, the 10,000 s.f. variance relief feels overwhelming to her home.

Mr. Riker stated that the tree on the property is a 25" DBH Shagbark Hickory. The largest Shagbark Hickory in the state is listed at 109" in circumference. The tree on this lot is not close to that.

The Vice-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

Deputy City Manager Allen stated that the front yard setback is not listed as one of the setback variances received.

Mr. Taintor stated that the provision in the Zoning Ordinance is an established setback so it overrides other setbacks. He also stated that what is before the Planning Board is the Conditional Use Permit. The variances (lot size and setback) that have been mentioned are from the BOA. The Conservation Commission reviewed this twice. They voted 5-2 in favor of the Conditional Use Permit. It has received approval from three different boards. It is the responsibility of the Planning Board to determine if the Conditional Use Permit is appropriate.

Councilor Thorsen clarified that all that remains is the issue of the wetlands. In which case, he recommends moving on.

Mr. Marsilia inquired as to whether the two abutters that spoke were also at the BOA meeting.

Bernie Pelech stated that the two abutters were in fact at the BOA meeting and that they did speak.

Mr. Barker made a motion to grant approval of the Conditional Use Permit with the stipulation listed in the Department Memorandum. Deputy City Manager Allen seconded the motion.

The motion to grant approval of the Conditional Use Permit passed unanimously.

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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.)

The Vice-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 applicant has revised the plan to include the recommendations of the Planning Board. Formerly, Lot 12 had an irregular configuration. They eliminated the L shape and have extended the property straight back as the Planning Board had recommended. With the revision, Lot 2 will now be 6.986 acres (it is currently 10.043 acres). Lot 12 will now be 8.369 acres (it is currently 5.313 acres). He feels they have addressed all concerns and the applicant seeks approval this evening.

The Vice-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 made a motion to grant Preliminary and Final Subdivision Approval subject to stipulations as listed in the Department Memorandum. Mr. Gamester seconded the motion.

The motion to grant Preliminary and Final Subdivision Approval passed unanimously 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.).

The Vice Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Bernie Pelech, Attorney, was present to speak to the application. Also present this evening, Richard and Jenna Green and John Ring. The applicant began their process in March of 2013. Attorney Pelech looked back at other projects approved in March of 2013 and they have already been completed. In January 2015, the HDC voted to approve this application. Following a public hearing, the Planning Board voted that the Design Review process had ended. The BOA has granted necessary variances. TAC required the sidewalks to be 8'. The applicant has made this change. However, it has decreased the open space and the applicant will need to go back to the BOA. The lot is in the Central Business District which typically means there are no setbacks, but as they are in a transitional zone, they do have setbacks. They have spent a lot of time with the HDC. Neighbors came out in the end to voice support for this project. They started out with 40 units; they are now down to 14 units. They started out with much taller buildings. The height is now down considerably and is consistent with what is in the neighborhood. It has been important to the applicant and to the City to provide off-street parking and they have done so. In addition, it was important to the HDC that the garage/parking not be visible from any of the three abutting streets. A lot of work has gone into what is before the Planning Board this evening. Mr. Pelech stated that the developer has been willing to concede on all accounts and do

whatever the Committees/Boards have asked of them. He feels that this project will set a standard for the Islington Street Corridor.

Jon Ring, Project Engineer from Jones and Beach was present to speak to the application. There are 5 buildings. All are different architectural styles. The roads are one-way away from Islington Street. The pavement flows into a subsurface detention basin which will flow out towards the street to an existing pipe that will be upgraded. There are perimeter drains around each one of the buildings to absorb roof runoff. The open space today is 12.2% because they have widened the sidewalk in the front to 8' and it narrowed the open space to less than 5'. The open space, therefore does not count towards the open space requirement. This requires that they go back to the BOA for relief.

Vice-Chairman Moreau inquired whether all parking spaces are in the garage. She stated that she lives in the neighborhood and likes the plans.

Mr. Taintor stated that there were a number of concerns raised by DPW in the Department Memorandum. The side yard setbacks on Cornwall Street and Rockingham Street are flipped from what was approved by the BOA. This needs to be corrected on the Plan. The Landscaping Plan has 2 arborvitae in the back corner behind Unit 14 and they seem to be sitting on top of the drain manhole on the Drainage Plan and this area shows a snow storage area. He inquired how this area can be used as such if there are arborvitae there.

Mr. Ring stated that they can shift the arborvitae but that the branches will be 3-4 feet off the ground.

Mr. Taintor stated that with a snow year like we've had this year, 3-4 feet would not be enough. He also stated that the center area has juniper and inquired whether this would affect snow storage.

Mr. Ring stated that the junipers are low to the ground and would not affect snow storage.

Councilor Thorsen asked for clarification regarding 14 units with 27 parking spaces and whether that does, or does not, include the street spaces.

Mr. Ring stated that this does not include the street parking.

Mr. Taintor stated that the drainage issue has not been resolved. He is suggesting that the Drainage Plan and the Utility Plan be revised to address the issues raised by DPW and subsequently be reviewed again by DPW.

Mr. Gladhill inquired about a sign for visitors and guests leaving the site to turn the right way out of the site.

Mr. Ring stated that they will put up a sign. The site is intended to be a one-way through from right to left.

The Vice-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 is recommending that 3 additional stipulations be added:

- 4) The applicant shall revise the Site Plan to conform to 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.

Deputy City Manager Allen made a motion to grant Site Plan Approval with the stipulations as listed in the Department Memorandum plus the 3 stipulations as added by Mr. Taintor. Mr. Barker seconded the motion.

The motion to grant Site Plan Approval passed unanimously 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.

The Vice-Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

David Witham, of David Witham Architecture, was present to speak to the application. Jeff Croteau, the owner, as well as Steve Riker from Ambit Engineering, were also present to answer questions. The applicant would like to add a 16’x18’ addition off the back of the house. This would encroach on the wetland buffer zone, but it is the only location for the addition. The space does not currently function well for a family of 5. The Conservation Commission has approved this application. Mr. Witham went through the 5 criteria that meet approval for the permit. Mr. Witham stated that although there will be some impact, there will be 366’ of buffer plantings. All the water that comes off the house will be treated by the stone drip edge. He felt that in the end, the buffer will be enhanced. There will be no lasting negative impact on the buffer.

Mr. Marsilia inquired if the applicant considered putting in sonotubes instead of a full foundation.

Mr. Witham stated that the applicant has considered this. However, with this option, it would be very challenging to heat the floor space. It may be feasible, but this is not an attractive alternative. They will end up going down below the frost line for the foundation.

The Vice-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. Barker made a motion to grant approval for the Conditional Use Permit as presented. Deputy City Manager Allen seconded the motion.

The motion to grant approval for the Conditional Use Permit passed unanimously.

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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.

The Vice-Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Corey Colwell from MSC Civil Engineers and Land Surveyors Inc. was present to speak to the application. Heidi Ricci, the applicant, was also present. The applicant is proposing to remove the existing home and construct a 2-story home in the same footprint. The septic system will be relocated and a new garage will be built. The work within the 100’ buffer requires a wetland permit from NH DES. The work also requires a Shoreland Permit for work outside the 100’ buffer. Applications for both have been filed. The plans show a table summarizing the impacts. Proposed total impact within the 100’ buffer zone is 2,438s.f. Of that area, temporary impact will be 2,411s.f. The remainder is permanent impact. The impervious area within the buffer zone will be reduced by 612s.f. They will be

relocating a portion of the driveway outside the buffer zone. They are also removing 2 storage trailers close to Sagamore Creek. In addition, they are moving the septic system that is currently within 50' of the Creek to an area which will be 75' from the Creek. This will improve the site. There will be no adverse impact on wetland functions or value. Mr. Colwell went through the 5 criteria that have been met in order for approval of the permit. The house and garage will not fit inside the buildable area outside the buffer. It makes sense to locate the new house in the same spot. There is no negative impact to the vegetation. They will actually be increasing the vegetation. With removal of the storage trailers, natural vegetation will repopulate this area. They are also proposing plantings (9 Beach Rose and 9 Highbush Blueberry shrubs). They feel that they will actually be enhancing the buffer zone. The Conservation Commission approved the application with two stipulations:

- 1) Plantings will be added within the buffer (as described above).
- 2) A stone infiltration trench will be added at the bottom of the gravel driveway adjacent to Sagamore Creek (to capture runoff).

Mr. Gladhill inquired as to whether the applicant would be using the same foundation or a new one.

Mr. Colwell stated that it will be a new foundation

Mr. Marsilia inquired whether the footprint for the house will be the same as the old one.

Mr. Colwell stated that the square footage will be the same. The exact footprint will be almost identical within a couple of feet.

The Vice-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. Barker made a motion to grant approval of the Conditional Use Permit with the stipulations included in the revised plans. Deputy City Manager Allen seconded the motion.

The motion to approve the Conditional Use Permit passed unanimously.

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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.

The Vice-Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Gordon Leedy, Landscape Architect and Certified Planner with Vanasse, Hangen and Brustlin, Inc. was present to speak to the application. This site is operating under an existing Conditional Use Permit (2012) for the installation of generators at the site (which have been installed). The applicant believed they were still operating under the previously approved permit. However, when representatives of the City came out to look at the property, they stated that the applicant would need an amended permit for the project. This is why they are before the Planning Board this evening. There was an agreement that the temporary impacts would be restored. The current proposal is for a complete rehab with the exception of the data center. Amendments to the plans have been made since the applicant met with the Conservation Commission on March 11, 2015. There have been some changes to the impact. There is now a gravel overlay of the existing grade (gravel on top of fabric), there was no excavation, but now there is fill in the buffer area. There is also an area for temporary staging. A portion of that is within the buffer.

Vice-Chairman Moreau asked for clarification of the impact area for the gravel overlay.

Mr. Leedy stated that a total of 220s.f. will be permanently impacted.

The Vice-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. Gamester made a motion to grant Conditional Use Permit Approval with the stipulation as noted in the Department Memorandum. Mr. Gladhill seconded the motion.

The motion to grant the Conditional Use Permit passed unanimously 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.

The Vice-Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Ted Vrettos, Construction Manager and Architect with PlanAhead LLC was present to speak to the application. Michael and Julie Bean, potential owner, were also present. They are proposing to demolish the gas station, single family house and associated infrastructure on the site. They propose a

new office space to house the Bean Group headquarters. The applicant met with TAC. They feel they have answered all concerns.

Michael Hamm with Engineering Alliance was present to speak to the application. Currently the site is approximately 60% disturbed. Most of the site is asphalt or gravel. Access is uninhibited. There will be a single access point on Sagamore Avenue. The site will support 32 parking spaces. There will be sidewalks around the building as well as an outdoor seating area. NH DOT has recommended vertical granite curbing. They are proposing a wide grass strip as a safe haven for pedestrians. They will retain the "Wentworth by the Sea" sign. There will be a subsurface drainage facility and the site will drain toward a catch basin. Overflow will be controlled with a weir. In smaller events, there would be no overflow. There will also be a raingarden which will overflow into the forested area during larger events. There is overhead electric. The City is in the process of installing a low pressure main on Sagamore Avenue. The plan for the sewer is to coordinate with the City to tie in with the low pressure main.

Regarding the Landscaping Plan, there are some mature hardwoods on site. They will keep as many of these as possible. They will be planting a mix of native and ornamentals in the plan as well as deciduous evergreen shrubs and herbaceous perennials. On site greenery will be slightly less than what is currently there. There are also smaller shrubs throughout, some inkberry, and dogwoods. They are proposing bearberry as a groundcover instead of mulch. In the Lighting Plan, they have pole mounted fixtures that will be dark sky compliant. A waiver request has been submitted for the sidewalk along the frontage.

Mr. Marsilia inquired about the underground storage tanks.

Mr. Hamm stated that they were removed in 2013. In addition, 150 tons of soil around the tanks has been removed. Monitoring wells have been installed. The indication so far is that they are clean.

Deputy City Manager Allen asked if the monitoring wells are noted on the plans.

Mr. Vrettos stated that the proposal is to tear down the gas station and have contractors from the state come to do additional remediation.

Deputy Manager Allen stated that the monitoring wells should be shown on the Site Plan.

Mr. Leduc stated that it may take 10 years for the monitoring wells to be closed out. He echoed that they should be shown on the plans.

Mr. Gladhill inquired as to whether the house is currently inhabited.

Mr. Vrettos stated that the house is currently inhabited.

Mr. Gladhill is not against this application. However, he stated that this house could be considered for workforce housing. A good house overlooked for workforce housing has happened before. When workforce housing is proposed, it tends only to be apartment buildings.

Councilor Thorsen asked if there is sufficient space for pedestrians and bicycles on site. He wants to ensure that at the beginning of development of the larger area around this site (but inclusive of this site) that enough consideration is given to this.

Mr. Vrettos stated that there is a 6' shoulder area and that is fairly generous.

Mr. Taintor stated that they required that the curb be setback 6' from the white line.

Deputy City Manager Allen inquired where the cutline will be.

Mr. Vrettos stated that the construction detail shows a very low granite curb. They will add 1' off the curb line.

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 stated that waivers need to be voted on prior to Site Plan Approval. This is an area where the plan is not exactly compliant with Site Plan Regulations. They include section 5.2.4 regarding sidewalks along the front of the site and Section 8.1.2 which requires that all wires and conduits be underground

Mr. Gamester made a motion 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. Mr. Barker seconded the motion.

The motion passed unanimously.

Mr. Gamester made a motion 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. Mr. Barker seconded the motion.

The motion passed unanimously.

Deputy City Manager Allen made a motion to grant Site Plan Approval with the added stipulations as noted in the Department Memorandum with the added stipulation of showing the monitoring wells on the Site Plan and also showing the cut line on Wentworth Road.

Mr. Marsilia added a stipulation to the motion that requires an application for a building permit be accompanied by clearance data from the state regarding VOC contamination.

Mr. Barker seconded the motion.

The motion to grant approval of the Conditional Use Permit with the following stipulations passed unanimously:

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.

The Chair read the notice into the record.

Councilor Thorsen made a motion to postpone consideration of the application to a special Planning Board meeting on March 26th, 2015. Mr. Gamester seconded the motion.

The motion to postpone consideration of Site Plan Approval to a special Planning Board meeting on March 26, 2015 passed unanimously.

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V. CITY COUNCIL REFERRALS

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

Mr. Taintor stated that more research needs to be done prior to proposing a recommendation. They have found in addressing this that current regulations really do not cover the entire range of situations. He would like to schedule a public hearing. Mr. Taintor will write up the recommendations prior to the hearing and distribute them to the Planning Board.

Councilor Thorsen stated that they are trying to define several different classifications, not just one. He inquired whether corporations are doing this as part of a business or rather is it one person just trying

to enhance income. He wondered at what point the City stops peering into what a person is doing with a property.

Mr. Barker made a motion to schedule a public hearing for Short Term Rentals at the April 16th, 2015 Planning Board meeting. Mr. Gamester seconded.

The motion passed unanimously.

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VI. PLANNING DIRECTOR'S REPORT

A. Consideration of the Harborcorp application will continue at the April 16th 2015 Planning Board meeting as well as at the meeting next week.

B. The City Council has voted to continue the public hearing for the proposed rezoning of the parcels on Cate Street. It is appropriate for the Planning Board to look at this again following the Charrette. He will put this back on the schedule for the Planning Board meeting on April 16, 2015.

C. Ms. Berna, Mr. Cracknell and Mr. Taintor are working hard on the North End Character Zoning. They will be bringing that to City Council at their April 6th, 2015 meeting so there may be a follow up on the April Planning Board agenda.

D. On Monday March 23rd at 6:30pm, the City Council will be holding a work session on impact fees. Bruce Mayberry, one of the consultants that worked on the 2005 Master Plan update will be present to talk about this issue. Mr. Taintor will be giving an update on the Master Plan and Workforce Housing. Planning Board members are welcome to attend (but will not be participating).

E. PS21 parking has invited an outside expert from Cornell (Michael Manville) to speak about parking and downtown economic vitality on April 2nd, 2015 at 6:30pm (social beforehand).

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VII. ADJOURNMENT

A motion to adjourn at 8:58 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 April 16, 2015 Planning Board Meeting.