

**REGULAR MEETING
PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 PM

APRIL 30, 2015

AGENDA

I. DETERMINATIONS OF COMPLETENESS

A. Site Plan Review:

1. The application of **Rye Port Properties, Owner, and Charter Foods North LLC, Applicant**, for property located at **2299 Lafayette Road**, requesting Site Plan Approval to construct a 50-seat, 2500 s.f. Taco Bell Restaurant.
2. The application of **Northern New England Conference of Seventh Day Adventist, Owner**, for property located at **861 Middle Road**, requesting Site Plan Approval to construct an 18' x 33' addition to the front of the existing church.
3. The application of **Old Tex Mex, LLC, Owner**, for property located at **290 Heritage Avenue**, requesting Site Plan Approval to construct a 110' x 250' two story steel frame building.

II. 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 **Saco Avenue Professional Building, Inc., Owner**, for property located at **125 Brewery Lane**, requesting an extension of Site Plan Approval to construct a 4-story, 64' x 240', 15,500 ± s.f., 48-unit residential building, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. (Site plan approval was originally granted on November 18, 2005, and extensions were granted through November 17, 2010.)

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 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 March 19, 2015 Planning Board Meeting.)

III. 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. Request of **Stella B. Stokel 1993 Trust, Stella B. Stokel, Trustee, Nancy A. Stokel 1993 Trust, Nancy A. Stokel, Trustee, and Philip J. Stokel, Owners**, and the **City of Portsmouth, Applicant**, for property located at **83 Peverly Hill Road**, requesting a waiver of the Subdivision Rules and Regulations, Section VI.3.I – Cul-de-Sacs, to allow a cul-de-sac to exceed 500 feet in length. Said property is shown on Assessor Map 242 as Lot 4, and lies within the Single Residence A (SRA) and Single Residence B (SRB) districts.
- B. The application of **Rye Port Properties, Owner**, and **Charter Foods North LLC, Applicant**, for property located at **2299 Lafayette Road**, requesting Site Plan Approval to construct a 50-seat, 2500 s.f. Taco Bell Restaurant with drive thru, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 272 as Lot 10 and lies within the Gateway district.
- C. The application of **Northern New England Conference of Seventh Day Adventist, Owner**, for property located at **861 Middle Road**, requesting Site Plan Approval to construct an 18' x 33' addition to the front of the existing church, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 232 as Lot 120 and lies within the Single Residence B (SRB) district.
- D. The application of **Old Tex Mex, LLC, Owner**, for property located at **290 Heritage Avenue**, requesting a Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to construct a 110' x 250' two story steel frame building, with 9,860 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Plan 275 as Lot 7 and lies within the Industrial (I) District.
- E. The application of **Old Tex Mex, LLC, Owner**, for property located at **290 Heritage Avenue**, requesting Site Plan Approval to construct a 110' x 250' two story steel frame building with a footprint of 27,683 ± and gross floor area of 40,211 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 275 as Lot 7 and lies within the Industrial (I) District.

IV. PUBLIC HEARINGS – CITY COUNCIL REFERRALS

The Board's action in these matters has been deemed to be quasi-legislative in nature.

*If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

A. The request by **Portsmouth Land Acquisition, LLC**, that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW):

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

and including Cate Street between Hodgson’s Brook and Bartlett Street, and that the Zoning Map be revised accordingly; and further that the Zoning Ordinance, Article 7, Section 10.730 – Gateway Planned Development, be amended by inserting a new Section 10.734.40 as follows:

10.734.40 Workforce Housing Incentives

If a GPD with a Residential Component contains 10% or greater Workforce Housing Units, the following shall apply:

- 10.734.41 The minimum lot area per dwelling unit shall be 1,000 square feet.
- 10.734.42 The maximum building length set forth in Article 5, Section 10.522 shall be increased to 350 feet.
- 10.734.43 Required off-street parking may be located in a required front yard or between a principal building and a street.

(This proposed amendment was previously considered at the October 20, 2014, Planning Board meeting.)

B. Proposal to amend the Zoning Ordinance by inserting a new Section 10.814 – Short-Term Rentals, and to make conforming amendments to other sections of the Ordinance as necessary.

V. OTHER BUSINESS

A. The request of **Portsmouth Land Acquisitions, LLC, Owner**, for property located at **428 U.S. Route 1 By-Pass, property off Cate Street and 55 Cate Street**, for Design Review under the Site Plan Review Regulations, ^Da proposed mixed use development consisting of 288 dwelling units and 40,000 s.f. of commercial space with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is located on Assessor Map 172 as Lot 1, Map 173 as Lot 2, Map 165 as Lot 2, and Map 163 as Lots 33, 34 and 37, and lie within the Industrial (I) District, the Office Research (OR) District, and the Municipal (M) District.

Postponed to 5/21/15

VI. PLANNING DIRECTOR’S REPORT

VII. ADJOURNMENT

NOTICE TO MEMBERS OF THE PUBLIC WHO ARE HEARING IMPAIRED

If you wish to attend a Planning Board meeting and need assistance, please contact the Human Resources Office at 610-7270 one week prior to the meeting.