

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

MAY 21, 2015

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

MEMBERS EXCUSED: Jack Thorsen, City Council Representative; Michael Barker;

ALSO PRESENT: Jessa Berna, Associate Planner

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I. APPROVAL OF MINUTES

- A. Approval of Minutes from the April 16, 2015 Planning Board meeting – Unanimously approved.
- B. Approval of Minutes from the April 30, 2015 Planning Board meeting – Unanimously approved.

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II. DETERMINATIONS OF COMPLETENESS

A. Subdivision

1. The application of **Deer Street Associates, Owner**, for property located at **165 Deer Street**, and **Boston & Maine Corporation, Owner**, for property running **from Borthwick Avenue to Maplewood Avenue**, for Preliminary and Final Subdivision Approval (Lot Line Revision).

Voted to determine that the application for Subdivision (Lot Line Revision) approval was complete according to the Subdivision Rules & Regulations and accepted the application for consideration.

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B. Site Plan Review:

1. 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.

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. OLD BUSINESS

A. 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**, for a Conditional Use Permit under Section 10.535.12 of the Zoning Ordinance to allow an increase in building height above the maximum height specified in Section 10.531. Said property is shown on Assessor Plan 125 as Lot 21, Assessor Plan 118 as Lot 28, Assessor Plan 124 as Lot 12, Assessor Plan 119 as Lot 1-1A, and Assessor Plan 119 as Lot 1-1C, and lies within the Central Business B, Historic, and Downtown Overlay Districts. (This matter was referred to the Planning Board by the Historic District Commission at its meeting on April 1, 2015 and postponed at the April 16, 2015 Planning Board meeting.)

Voted to report back to the HDC with comments.

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IV. PUBLIC HEARINGS – OLD BUSINESS

A. 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. (This application was postponed at the April 16, 2015 Planning Board Meeting.)

Voted to **postpone** consideration of the Site Plan application to Thursday, June 18, 2015.
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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**, 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 March 19, 2015 Planning Board Meeting.)

Voted to **postpone** consideration of the Subdivision application to Thursday, June 18, 2015.

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C. The application of **Moray, LLC, Owner**, for property located at **235 Commerce Way**, and **215 Commerce Way, LLC, Owner**, for property located at **215 Commerce Way**, 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 March 19, 2015 Planning Board Meeting.)

Voted to **postpone** consideration of the Site Plan application to Thursday, June 18, 2015.

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D. 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. (This application was postponed at the April 30, 2015 Planning Board Meeting.)

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

1. The Site Plan (Sheet 5) and Landscape Plan (Sheet 10) 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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V. PUBLIC HEARINGS – NEW BUSINESS

A. The application of **Deer Street Associates, Owner**, for property located at **165 Deer Street**, and **Boston & Maine Corporation, Owner**, for property running **from Borthwick Avenue to Maplewood Avenue**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots which are currently shown on Assessor Map 125 as Lot 17 and Assessor Map 164 as Lot 4. The applicant proposes to adjust a lot line as follows:

- a. Map 125, Lot 17 increasing in area from 94,804 s.f.(2.1764 acres) to 108,359 s.f. (2.4876 acres)
- b. Map 164, Lot 4 decreasing in area by 13,555 s.f. (total lot area = 13 ± acres).

Said lots lie within the Central Business B (CBB) District which requires a minimum lot size of 2,000 s.f. and no requirement for continuous street frontage.

(A) Voted to find that specific circumstances relative to the subdivision indicate that the waiver will properly carry out the spirit and intent of the regulations and, therefore, waive compliance with Section IV.6 of the Subdivision Rules and Regulations, requiring that the plat include the entire area proposed to be subdivided, the areas of all proposed lots, and any adjacent parcels in the same ownership.

(B) Voted to grant Preliminary and Final Subdivision Approval (Lot Line Relocation) 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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B. The application of **Glen E. Parker, Owner**, for property located at **445 Ocean Road, Unit 8**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to construct a 3’ x 16’ addition to an existing deck, for a total deck size of 11’ x 16’, with 48 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Plan 294 as Lot 21-0008 and lies within the Single Residence A (SRA) District.

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

- 1. A stone apron drip edge shall be installed.

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VI. CITY COUNCIL REFERRALS

A. The request by **Portsmouth Land Acquisition, LLC**, 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 matter was postponed at the April 30, 2015, Planning Board meeting.)

Voted to recommend in favor of the request to rezone the subject parcels, with amendments. (Amended Ordinance is available in the Planning Department).

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B. Proposal to amend the Zoning Ordinance by inserting a new Section 10.837.20 – Short-Term Vacation Rentals, and to make conforming amendments to other sections of the Ordinance as necessary. (This matter was postponed at the April 30, 2015, Planning Board meeting.)

Voted to recommend a new Section 10.837.20 “Short-Term Vacation Rentals” in the Zoning Ordinance. (Proposed Ordinance amendment is available in the Planning Department).

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C. Proposal to amend the Zoning Ordinance and Zoning Map to implement Character-Based Zoning in the North End, to revise various provisions of Article 5A – Character Districts, and to make conforming amendments to other sections of the Zoning Ordinance. (This matter was referred to the Planning Board by the City Council on April 20, 2015.)

Voted to schedule a public hearing at the June 18, 2015 Planning Board Meeting.

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D. The request of **Eversource Energy** for easements and licenses on Hanover, High and Ladd Streets and on the Hanover Parking Garage parcel, for an underground utility improvement project.

Voted to recommend in favor of granting the required easements and licenses, subject to final project design approval by the Department of Public Works.

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VII. 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, for a proposed mixed use development consisting of 288 dwelling units and 40,000 s.f. of commercial space in 3 buildings, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown 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. (This matter was postponed at the April 30, 2015 Planning Board Meeting.)

Voted to accept the request for design review and to schedule a public hearing.

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VIII. PLANNING DIRECTOR’S REPORT

- 1) HDC Harborcorp Site Walk on Wednesday, May 27, 2015.

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IX. ADJOURNMENT

A motion to adjourn at 9:54 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board