

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

JUNE 18, 2015

MEMBERS PRESENT: John Ricci, Chairman; Elizabeth Moreau, Vice Chairman; Jack Thorsen, City Council Representative; William Gladhill, Colby Gamester, Jay Leduc; Michael Barker; and Justin Finn, Alternate

MEMBERS EXCUSED: David Allen, Deputy City Manager; Robert Marsilia, Building Inspector

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

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I. APPROVAL OF MINUTES

- 1. Approval of Minutes from the May 21, 2015 Planning Board Meeting – Unanimously approved.

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Chairman Ricci requested a motion to take Item B Public Hearings Old Business, Item C Public Hearings Old Business and Item D, Public Hearings New Business out of order for the purposes of postponement.

Ms. Moreau made a motion to take Item B, Public Hearings Old Business, Item C Public Hearings Old Business and Item D, Public Hearings New Business out of order for the purposes of postponement. Mr. Barker seconded the motion.

The motion to take Item B, Public Hearings Old Business, Item C Public Hearings Old Business and Item D, Public Hearings New Business out of order passed unanimously.

II. 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 May 21, 2015 Planning Board Meeting).

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Chairman Ricci stated that Kevin Dandrade, Peer Review Consultant for the City, for traffic, could answer questions regarding traffic.

Chris Thompson with Harborcorp was present to speak to the application. He stated that they were delighted to be present at this meeting. He stated that it has been a very long, but very good, review process. The product that the Planning Board has in front of them tonight is a better product and this is a direct result of all the input, feedback and work put into the proposal. They met with the HDC last week and received the COA and CUP. They have made all changes requested and have put together a detailed document indexing all changes. They are requesting approval of the project this evening. Since the Planning Board last reviewed the project, one change is the elimination of the Sky Bridge. They had been encouraged to consider elimination of this element and have decided to do so. This element is an amenity, not a necessity.

Chairman Ricci requested an update following the HDC meeting last week.

Mr. Thompson stated that they met with HDC on the CUP and provided substantial detail with regard to the way in which the project meets, or exceeds, criteria for the CUP. The HDC agreed that the applicant had met or exceeded requirements. They also went through the COA submittal that evening. The HDC was pleased to see the removal of the sky bridge.

Chairman Ricci opened up the discussion to questions from the Planning Board.

Mr. Gladhill inquired about the arrangement for overflow parking with C&J Trailways.

Mr. Thompson stated that they have resolved overflow parking issues. There is an additional lot that C&J has that can service 250 and the agreement with C&J Trailways is already in place.

Ms. Moreau inquired about where the Parking Command Center will be located and how it will operate.

Travis Netto was present to speak to the application. He stated that there is a Command Center at the end of the parking garage ramp. Mr. Netto showed this area on the color map slide show.

Ms. Moreau inquired about how parking will be managed once the lot is full.

Mr. Netto stated that there will be gates and controls with timing. In addition, this area will be staffed. Also, additional traffic management (cones, helping people get to where they need to be, or to their cars) can be deployed as needed. There can be a minimum queueing of 5 cars (before getting to the gate) at each site before arriving at the parking area.

Ms. Moreau inquired if Mr. Dandrade has had a chance to look at responses on drainage, and if so, were they to his satisfaction.

Mr. Dandrade stated that there was an earlier review for drainage and comments were provided to DPW. He was not tasked with that for the most recent review, however. Mr. Pazullo was looking at the latest review for outstanding issues.

Ms. Moreau inquired if Mr. Dandrade agreed with all the responses for traffic.

Mr. Dandrade stated that there were minor modifications (like moving a sign from behind a tree planter and putting it in front of the tree planter for visibility) but operational characteristics have become more the focus. Post occupancy studies will be important as a safeguard.

Ms. Moreau stated that the letter of June 17th covers everything, all stipulations.

Mr. Taintor stated that the list of recommended stipulations (numbers 13-16) is all from Mr. Dandrade's letter of June 17, 2015.

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.

Paul Mannle of 1375 Islington Street was present to speak to the application. He believes the applicant has not met the 19 criteria for site review; specifically numbers 2, 11 and 12. Most likely, there are more. He stated that it doesn't matter what he (Paul Mannle) believes, but what the Planning Board believes. He suggested some stipulations, as follows:

- 1) The applicant shall conduct traffic studies at one year intervals (it has been asked of Taco Bell so we must ask this larger application to do so)
- 2) The Planning Board will decide ahead of time what penalties will be imposed if the project gets off track.

Dixie Tarbell of 25 Driftwood Lane was present to speak to the application. She felt the applicant has demonstrated how seriously he is taking this project. She can think of no better source of revenue for the City than the conference center. From the stormwater management, to the rooftop garden, this project has a lot of class. It will add to the charisma and vibrancy of Portsmouth.

Doug Bates, President of Greater Portsmouth Chamber of Commerce, was present to speak to the application. He is speaking on behalf of the Chamber of Commerce and also as a resident. Harborcorp is not only a great member of the Chamber, but a wonderful business to have in the City. New visitors now come to Portsmouth all year long. This project will have a huge economic impact on New Hampshire. The project brings a sorely needed downtown food market and conference center. The amount of room and meals tax that comes from Portsmouth is astounding. The parking garage serves not only the applicant's need, but that of the public as well. The project will bring significant new revenue. The project will net over \$700,000 in taxes and hotel and restaurant guests will bring in another \$6 million in revenue. The applicant also has a commitment to buying locally, which will support local farmers. This project has already encouraged the development of other projects, so it is leveraging much needed development. He is urging the Planning Board to grant Site Plan Approval.

Drew Schulthess of 14 Central Avenue in Portsmouth was present to speak to the application. He is the owner of a downtown business. He thanked the Planning Board for their time and efforts for this

project. He stated that there will be many benefits to the conference center and felt that it was desperately needed. The market is also needed. He hopes to keep the core elements of the project, the pass through and the market in place. He is in support of the project.

Barbara DeStefano of 99 Hanover Street was present to speak to the application. She is a resident of the Portwalk Condos. She stated that she is not at all concerned about the increase in traffic from Whole Foods, and she will be able to look out the window of her condo and see the market. She felt that the applicant has it under control. The project is not going to draw cars, all day, every day to the site. With the initial opening, there may be a bit of a traffic problem, but that is typical and it will resolve. She is in support of the project and hopes the Planning Board approves the project tonight.

Kathy Williams Kane of 337 Pleasant Street was present to speak to the application. She has been observing the project planning as it has been honed. She felt that the project is a remarkable one for the City. It is a perfect gateway for the City. It is more refined and interesting than Portwalk. She quoted, Frederick Douglas, who once said that "If there is no struggle, there is no progress". She is proud to be part of a City where there are struggles, and where the people care enough to speak out about it, then progress is made and in the end, the City is all the better for it. There is no other city she would rather live in.

Chairman Ricci stated that he would like to see a traffic report one year after the project is in place. The report would include such things as the occupancy of the garage (i.e. 110% capacity, 50% capacity).

Mr. Thompson stated that this would be possible.

Chairman Ricci closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Taintor provided a copy of the revised staff recommended stipulations. It is dated June 18, 2015.

Ms. Moreau Made a motion to grant Site Plan Approval subject to the stipulations included in the letter from TEC, Inc., dated June 17, 2015. Mr. Gladhill seconded the motion.

Mr. Taintor provided a copy of the revised staff recommended stipulations. It is dated June 18, 2015.

Ms. Moreau clarified that the stipulations that Mr. Taintor just explained replaces what is in the memo and contains everything in the TEC letter.

Mr. Taintor stated that Ms. Moreau is correct and he read the stipulations out loud.

Chairman Ricci inquired about a national convention or other event where there may be an issue.

Mr. Taintor stated that at least 6 weeks prior to the supermarket or convention center opening, and at least 3 weeks prior to every other event if the plans/traffic management are not working then plans will be revised. This is subject to approval by departments. The owner's traffic consultants would provide a change in plan subject to approval by departments

Chairman Ricci likes the inclusion of item 16E, and would like to add that this be done at 1 and 2 year intervals after full occupancy. He would like to see occupancy rates on the parking garage. It will help clarify things down the road if there are issues. It will be a learning tool.

The Planning Board agreed to this.

Ms. Moreau inquired about other stipulations that could be added.

Councilor Thorsen stated that this project was put forth as having parking for the public. Because of this, the Board should be made aware of the occupancy so sufficient public parking can be ensured. He inquired if any changes to zoning ordinances would be necessary due to changing use of the property.

Mr. Taintor stated that this is not necessary. No variances are required.

Councilor Thorsen stated that he has been concerned about walkability. The walkthrough is not really built for pedestrian foot traffic. All the foot traffic would be circumventing the property. He will approve the project because he thinks it is a good project. However, he stated, the walkability factor has been lost forever. He does not see any way to get around this building, but to walk completely around it. He encouraged the developer to think about how it might have been more walkable. There is no walkability now, but we are giving up the potential forever to make this a pedestrian friendly walkable project. He felt that this was a shame. If the developer sees anyway to gain walkability in the project, he asked that the developer please consider adding it in. He acknowledged the efforts on the part of the developer but this is the one piece that is missing.

Ms. Moreau stated that she would like to add a stipulation to include actual *installation* of a grease trap on the Maplewood Avenue part of the building.

Mr. Gladhill stated that this has been a long time in coming. There has been talk of the need for a conference center for quite some time. Chris Thompson has brought an excellent team together. The team was always willing to listen to the Boards and incorporate changes. We've been looking at an empty lot for 40 years. It is good to see this happening.

Chairman Ricci inquired about use and hours of the rooftop garden.

Mr. Taintor stated that this was a stipulation of the HDC.

The motion to grant site plan approval passed unanimously with the following stipulations:

- A. Plan Set: The approved site plan consists of 65 drawings submitted on June 9, 2015, including the 32 sheets designated "(NS)" and not including the 32 sheets designated "(S)".
- B. Conditions Precedent (to be completed prior to the issuance of a building permit):
 1. The site plan shall be modified as follows:
 - (a) Sheet C-3.1 – Pavement Marking and Signage Plan:
 - (1) Relocate the "(Bikes) May Use Full Lane" sign on Deer Street, just south of the new WFM entrance driveway, to a position in front of the tree planter;

- (2) Eliminate the lane use sign (No. 4) just west of the Deer Street / Russell Street intersection because it will operate as one wide lane upon opening;
 - (3) Install a “(Bikes) May Use Full Lane” sign on Russell Street northbound and southbound, just south of the new garage entrance, where bikes have shared lane accommodations.
 - (4) Adjust the location of the bus stop signs and/or the direction of the arrows at the southerly end of the four retained parking stalls on the west side of Russell Street (just south of Green Street).
 - (b) Sheet C-3.3 – Market Street Roundabout Schematic:
 - (1) Change note regarding temporary construction easement to “Provide temporary construction easement area as determined necessary by the City for roundabout construction.”
 - (2) Change two notes regarding “land rights required for roundabout development to “Provide land in fee or permanent easements as determined necessary by the City to be required for roundabout construction.
 - (c) Sheet C-6.0 – Utility Plan:
 - (1) In the note reading “8” tapping sleeve and valve (by others)” add the words “cost to be paid by applicant.”
 - (2) In the note pointing to the grease trap at the service drive near the Maplewood Ave. entrance, change the wording from “Future grease trap if required” to “1,000 gal. (min.) grease trap” (i.e., grease trap shall be installed with initial construction and not deferred to the future).
2. The applicant shall review the following site plan modifications with DPW and Planning Department staff and shall modify the plans if staff determines appropriate:
 - (a) Sheet C-3.1 – Pavement Marking and Signage Plan:
 - (1) Introduce dashed white edge line markings on Russell Street southbound to provide positive guidance for drivers to taper away from the formal bike lane;
 - (2) Add ‘STOP’ pavement markings in advance of the stop lines exiting the garage facility and adjust the arrows accordingly. The sizing of the pavement arrows should be similar to NHDOT standards.
3. The applicant shall modify the detail for an Interior Bike Rack (as shown on Sheet L2.0 and building plans) to provide a more robust multi-stall commercial rack unit that can accommodate a greater number of bikes in a secure area(s). The applicant shall clarify intended users and access policies for this bike storage location and how it will ultimately complement the applicant’s transportation demand management (TDM) measures. This shall be subject to review and approval by the Planning Department.
4. The applicant shall coordinate with DPW for a specific material and color for application within the proposed intersection bike box on Maplewood Avenue and other roadway markings.
5. The applicant shall provide (a) a traffic signal design plan for the intersection of Maplewood Avenue and Deer Street and (b) a coordination timing plan for the Maplewood Avenue corridor between State Street and Deer Street for DPW review and approval.

6. The applicant shall apply for and obtain connection permits from the Department of Public Works for stormwater, sanitary sewer and water.
7. The applicant shall enter into an agreement with the City to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on the site.
8. The applicant shall enter into an agreement with the City to pay for the services of a hydrogeologist, to be selected by the City, to monitor hydraulic levels on the site during construction.
9. All land transfers and easements shall be executed and recorded in the Rockingham Registry of Deeds.
10. The Planning Board letter of decision and the following plans shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department:
 - Sheet C-2.3 – Land Transfer and Easement Plan
 - Sheet C-2.4 – Lot Consolidation Plan
 - Sheet C-3.0 – Site Layout Plan
 - Sheet L-1.0 – Landscape Plan
11. The applicant shall make the following monetary contributions for off-site traffic mitigation as stated in the “Response to TEC Traffic & Parking Engineering Peer Review Comments” letter dated February 17, 2015:
 - (a) A \$50,000 fair share contribution for improvements to the intersection of Market Street and Russell Street (which shall be in addition to the required land transfers and easements as shown on the site plan).
 - (b) A \$25,000 fair share contribution for future improvements at the Maplewood Avenue railroad crossing.
12. The applicant shall make the following monetary contributions for community benefits as stated in the Historic District Commission’s decision approving a Conditional Use Permit for increased building height:
 - (a) A \$50,000 contribution for artwork to be installed in the public plaza at the intersection of Deer and Russell Streets
 - (b) A \$20,000 contribution for work to preserve and repair the stone retaining wall at the historic Old North Cemetery.

C. Conditions Subsequent (to be completed prior to the issuance of a certificate of occupancy for any component of the development):

13. At least 6 weeks prior to opening of the proposed supermarket and/or the hotel and convention center, and at least 3 weeks prior to scheduled events for more than 750 attendees, the applicant shall submit a detailed traffic and parking management plan for review and approval by the Planning Department, DPW, and the Portsmouth Police Department, including:
 - Location and duration of the planned event and number of planned attendees;
 - Location of off-site parking (employee, patron, or both)

- Logistical considerations and routing/headways for planned shuttle connections, if appropriate;
- Marketing materials or links to demonstrate preferred patron arrival route via Market Street;
- Location of off-site variable message signs, parking flaggers, or other traffic control devices or barricades, if warranted;
- Need for bagged meters and special signs for additional bus staging areas adjacent to the proposed COAST bus stop near the convention center entrance;
- Strategy for contingency parking and routing.

14. The applicant shall submit for approval by the Planning Department specific, measurable actions to reduce the use of single-occupancy vehicles to build upon the list provided in the applicant's 6/9/15 response to comment No. 11 as part of the Transportation Demand Management (TDM) plan. This information is likely to be most appropriate as the prospective tenants prepare for marketing, staffing, and occupancy. At a minimum, the applicant should work with their tenants to join the CommuteSMART Seacoast Transportation Management Association (TMA) and coordinate employee and patron activities to enhance the implementation of the TDM commitments.

15. The applicant shall provide a truck routing exhibit that will be used with regional vendors showing Market Street as the preferred route from I-95. This shall also be displayed within the loading dock areas.

D. Conditions Subsequent (to be completed prior to the final release of site plan security):

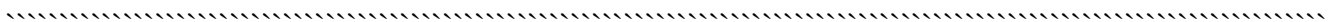
16. The applicant's traffic engineer shall provide post-occupancy studies that provide the following information and analysis:

- (a) Traffic data for site trip generation at each access point;
- (b) Traffic data and analysis for the intersection of Russell Street / Deer Street that evaluates the warranting condition for a one-way versus all-way stop condition;
- (c) Parking utilization study of the WFM parking level and the upper levels of the parking garage (including quantification of spaces available for public parking on each level);
- (d) Summary of TDM initiatives implemented and their overall effectiveness;
- (e) Narrative and data related to parking accommodations for major events.

The studies shall be conducted under normal conditions as well as during at least one major hotel event, and shall be reported at the following points:

- (1) 6 months after full occupancy;
- (2) 1 year after full occupancy; and
- (3) 2 years after full occupancy.

The results shall be reviewed by the Planning Department and DPW and reported to the Planning Board. If, following its review of a required post-occupancy study, the Planning Board determines that any refinements to the approved traffic control infrastructure, parking operations plan, or TDM measures are necessary, the applicant shall implement such refinements as required by the Board.



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 May 21, 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 Planning Board meeting on July 16, 2015. Mr. Barker seconded the motion.

The motion to postpone consideration of Preliminary and Final Subdivision Approval to the July 16th, 2015 Planning Board meeting passed unanimously.

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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 May 21, 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 Planning Board meeting on July 16th, 2015. Mr. Barker Seconded the motion.

The motion to postpone consideration of Site Plan Approval to the July 16th, 2015 Planning Board meeting passed unanimously.

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III. PUBLIC HEARINGS – NEW BUSINESS

A. 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.)

The Chair read the notice into the record.

Mr. Taintor stated that each member of the Board has an 11 X 17 sheet. It contains Character- Based Zoning with changes that have been suggested based on analysis. Mr. Cracknell will be talking about these changes.

Nick Cracknell, Principal Planner for City of Portsmouth, was present to provide a summary and description of the changes. He spoke briefly about the North End Vision Plan and the Charrette. Then he described the 4 major ideas that came out of the Charrette and then went on to talk about the Character Based Zoning; what is new, what is updated and what has been revised. Lastly, he talked about the next steps. The 10 amendments were a product of the work session on May 5, 2015. The comments were very helpful in framing the changes that needed to be made. Using a slide presentation, Mr. Cracknell provided an overview of the Vision. He stated that the public process is only at the beginning. He described (using slides) the boundaries of the vision area and stated that 40 acres were examined in the Charrette. From a land use perspective, there was a lot of support for mixed use and a clamoring for civic space. There was also a lot of support for microhousing and workforce housing. Most felt that contemporary architectural design could be supported (similar to 3S Artspace). Most also felt that added height in exchange for civic space or workforce housing was acceptable. People are looking for the area to be multi-modal with both active and passive pedestrian areas, as well as greenway connections in and out of the area for a better connection with downtown. There would be a parking garage where Gary's Beverage is currently. There would be an active civic space in the middle. The parking garage would have micro-apartments. There was a lot of support for more innovative facades in building design. The main zoning changes include: map change to incorporate 40 acres, Character District changes (including 1 new Character District created), new uses including assisted living and micro-units, building height modifications, building height and new standard for entryway (entryway points along the building are very important in activating the street), incentive based overlay district for added height and workforce housing.

Mr. Cracknell also provided the Regulating Plan/Zoning Map update. He described the different zones (CD4, CD5 and so on). The new character district is CD4L2, which will allow restaurants/retail in selected areas where they already exist or partially exist.

Mr. Cracknell spoke to updated development standards:

- 1) Building footprint change: maximum of 15,000 s.f. in CD5, and 12,000s.f. in CD4 (already in place). The only substantive change is in the CD4L, where there was no maximum footprint and now there is a 2,500 s.f. maximum.
- 2) A maximum building length of 200' and 250' has been suggested. The goal of having a maximum building length is to prevent buildings such as Portwalk or Harborcorp with no walk-throughs.
- 3) Spacing between entrances of buildings would be no more than 60'. With every 60', there would be a door into the building.

Mr. Cracknell spoke to revised building heights:

There would be a limit of 1 ½ stories on the water. The prevailing height downtown is 2-3 stories. They used 45' as a place holder. The recommendation is to drop the height from 45' to 40' for the 2-3 story district. As a reference point, the building just approved on Bridge Street was 38'. Portwalk was able to fit a 5 story form into 60'.

Mr. Cracknell spoke to incentives for community space and workforce housing. He stated that participants of the Charrette felt that taller buildings could be supported if these two elements are present. They reduced the density bonus area, pulling it back from the waterfront so that buildings along the water are not 3 ½ stories in height. The Density Bonus is for the top floor (not all floors). Otherwise, he stated, no one would take this on. Other Incentives for more affordable housing include micro-housing/apartment units and workforce housing units.

Recommendation for parking changes:

1) Market rates stay the same (1 ½ in downtown and 2 outside the DOD); one space for workforce housing units and 1/2space for microunits

Summary of Suggested Revision/Amendments:

A. Character-Based Zoning

1. Building Length and Entryway Standards
2. Building Height Reduction
3. Density Bonus Area Reduction
4. Community Space Clarifications
- 5 Workforce Housing Percentages
- 6.

B. Conforming Amendments

7. Assisted Living and Residential Care facilities (already in the code, but is currently not allowed in CD 4 and CD 5)
8. Rooftop Appurtenances
9. Off-Street Parking Requirements
10. Definitions for Building Entryway and workforce housing (have been added)

Mr. Gladhill shared his comments and suggestions for changes. With regard to off-street appurtenances, he has a concern about large HVAC systems. He would like HVACs systems moved away from the edge of rooftops to the middle of the building. He felt that a 5-story allowance on Vaughan and Green Streets is too much. He stated that anything above 60' for building height is not acceptable. For workforce housing, he wants to see a formula that is equitable. He understands that profit must be a factor, but a workforce housing unit should not be a closet. We must also think about recent college graduates that are leaving the state because they cannot afford to live in the area. He wondered if workforce housing could keep them in Portsmouth, or in the state.

Chairman Ricci inquired as to whether this can be crafted to include graduates at the local university. He would like to see a piece of this be a microspace that a UNH graduate could afford.

Mr. Taintor stated that workforce housing has been included because it is being requested in Portsmouth. Workforce housing units have to be 2 bedrooms, so a smaller unit wouldn't be allowed.

Mr. Cracknell proposed an idea for moving forward so that a 5 bedroom unit does not end up next to workforce housing. He stated that the gross living area in a workforce housing unit should be the average of the gross living area for the market rate units in the buildings.

Councilor Thorsen inquired if the allowance for making deals on property for workforce housing extends to microhousing.

Mr. Taintor stated that the law states that workforce housing must be provided. As long as it is a mandate for an inclusionary piece (including restricted housing for certain income levels), the City can allow a developer to do micro/affordable units.

Councilor Thorsen stated that he thinks the City has already met this requirement.

Mr. Taintor stated that it is unlikely that the City would be forced into providing more workforce housing.

Councilor Thorsen inquired with regard to the ½ parking space, whether there was a concern that a shared use for parking would need to be maintained as opposed to allowing the builder to divide the parking spaces.

Mr. Cracknell stated that it is the responsibility of the building owner to manage his/her parking. Zoning will require ½ space/unit and it is the developer's charge to decide where those spaces will be.

Councilor Thorsen stated that given the economics of the North End, he really does not see anyone putting in workforce housing or microunits. He felt that expensive condos would be the preferred choice of the developer.

Mr. Cracknell stated that he does not disagree with Councilor Thorsen in principle. The mechanics of workforce housing are complicated. People are not creating civic space in Portsmouth. It was done at Harborcorp because of the CUP, not out of the goodness of their heart. It is not an easy thing to give up what could be more building space in order to create a civic space and then also have to maintain it. In the end, it may be cheaper to create workforce housing than it is to create a 20% civic space on the ground.

Councilor Thorsen agreed with the point. He didn't want the predominant thinking around this subject to be that an extra floor was going to guarantee the City workforce housing.

Mr. Cracknell stated that the City may have set the bar too high on both of these, and the City may never see either.

Chairman Ricci stated that the City doesn't have the panacea right now. However, something must be put in place and rolled out in order to determine how it will work. Then it can be tweaked as needed.

Ms. Moreau stated that she sees this area as being a good area for microunits because they are affordable, they are within walkable distances, and the younger graduating crowd may like this. She does not see this as a great area for workforce housing; however, she asked for clarification that this

can be used in other parts of the City. She asked for clarification about what floors would be used for workforce housing.

Mr. Cracknell stated that he drafted the language with the intention that this type of housing could be located on any floor, but he realized that with the way it currently reads, it is likely to be interpreted as the top floor.

Chairman Ricci stated he prefers not to specify a floor but prefers wording such as “within the building” rather than on the “top” floor so as to leave it open to the developer. This will create the most incentive.

Mr. Gladhill stated that he hasn't seen a huge demand for parks in the city as much as he has seen a need for workforce housing. He felt that Councilor Thorsen's idea was a great idea, but it needs to be retooled. He would like to add microunits to include recent college graduates. He would like to take some time for consideration of this idea and look at it again next month.

Councilor Thorsen inquired as to how this delay would affect the schedule.

Mr. Taintor stated that the City Council could pass first reading without the comments /recommendation of the Planning Board. He doesn't know whether the City Council would want to hold first reading without the comments of the Planning Board, but it is technically possible. Something to the effect of the Board generally recommends in favor of this, but they will be recommending some refinements in time for the second reading could be passed along to the City Council.

Chairman Ricci inquired about the work session next week for the Planning Board.

Mr. Taintor stated that this would be too soon and the work session agenda is full.

Mr. Gamester inquired about the number of workforce housing units (with the properties left to develop in the north end) there would there be if all were on the 5th floor.

Mr. Cracknell stated that assuming there are 2-4units in a building such as 111 Maplewood, it would be around 10-20 units.

Chairman Ricci opened up the public hearing.

Ken Rogers of 579 Sagamore Avenue was present to speak to the application. He stated that he knew the answer to the question of what the average income for someone to buy an affordable/workforce housing/condo/home was (\$82,000) because he is President of the Board for the Workforce Housing Coalition. He is excited that workforce housing is being included. It needs to be economically viable because the developer won't do it if too much is required of them. We've seen that happen. Microhousing is needed too.

Chairman Ricci inquired if the state was on board with “microunits” as language for being affordable.

Mr. Rogers stated that he really doesn't know. His area of expertise is workforce housing. He stated that NH Housing could answer that question a lot more readily than he could. He will connect Chairman Ricci with NH Housing.

Barbara DeStefano of 99 Hanover Street was present to speak to the application. She felt that workforce housing would not be put on the top floor. She is looking forward to microunits. She never wants to leave downtown, but wants to live somewhere more affordable once she retires. She feels the City is going in the right direction. She would like to see something a little funkier in design. It would be helpful to take it out of the purview of the HDC so this could happen without pushback.

Mr. Gladhill made a motion to recommend to the City Council that the Planning Board is moving in the direction favorable to the zoning changes, but there are a few things the Board would like to look at in more depth including the workforce housing options. Ms. Moreau seconded the motion.

The motion passed unanimously.

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B. The application of **Micronics, Inc., Owner, and City of Portsmouth, Applicant**, for property located at **200 West Road**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within an inland wetland and wetland buffer to provide drainage improvements to convey the stormwater by replacing the undersized 30" culvert with two 30" culverts and dredging a portion of the wetland to convey the flows, with 3,900 ± s.f. of impact to the wetland buffer and 4,600 ± s.f. of impact to the wetland. Said property is shown on Assessor Plan 267 as Lot 22 and lies within the Industrial (I) District.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Peter Britz, Environmental Planner, City of Portsmouth, was present to speak to the application. He introduced Altus Engineering. The purpose of the project is to improve the drainage. Cory Belden and Jeff Clifford of Altus Engineering were present to speak to the application. They stated that the roadway is deteriorating due to poor drainage. The water drains to the north of the site. The area of concern is where the culvert opens into a ditch. Quite a bit of silt has deposited in the area over the years. The culvert is submerged and there is 3' of water over it. This water is backing up onto West Road. They want to be able to handle the 10-year storm. There is an existing 20' easement. The City recently acquired a 40' easement on the back of the property. There are 5 conditions for the Wetland Permit. They have worked with DPW on the design. The Conservation Commission voted on June 10, 2015 to unanimously support the project.

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 grant the Conditional Use Permit as requested. Mr. Barker seconded the motion.

The motion passed unanimously.

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C. 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.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Bernie Pelech, Attorney, was present to speak to the application. Patrick Crimmins with Tighe and Bond and Matt Wirth with Procon were also present. These parcels are subject to a pending zoning amendment. The applicant is looking at affordable workforce housing units, as well as microunits. They meet most of the requirements of the zoning ordinance if it passes. They may have to seek a variance to have more than 70% of the square footage as residential units. They will have a pedestrian corridor along Hodgson Brook, wide sidewalks from the Bypass to Bartlett and Cate streets. Mr. Crimmins described the Site Plan. He stated that there are 5 parcels (12.2 acres) in this project that Portsmouth Land Acquisitions owns. He displayed them using the slide presentation. The City of Portsmouth owns ½ acre within the project area. Cate Street right-of-way (1.2 acres) is part of the project area. This is a mixed used development; 2 mixed use buildings that each contain 144 units on the upper floors with 1st floor commercial and parking, 2nd-5th floors would be residential. They are hoping to be able to reduce the parking spaces by 10%. The total parcel has 481 parking spaces; 120 parking spaces are for Frank Jones; there are 361 parking spaces for the proposed development; 125 of those spaces are covered on the first floor. The remaining is surface parking. They will be constructing a new 4-way intersection providing a good connection to the hospital, and the downtown. The site is located within the 100' buffer. They understand the sensitivity of this and are proposing drainage improvements. They water now sheet flows directly into the brook. The design will result in a reduction of 14,000s.f. of impervious area within the buffer. They are proposing open space. They are proposing to landscape along the street. There are utilities that cross the lot currently and tie into Cate Street. These would be rerouted and tied into the existing Cate Street infrastructure. With respect to permits, they will need a CUP. They will be seeking a subdivision permit and site review permit. They will also be seeking a CUP permit for a GPD. They will incorporate bicycle and pedestrian connections. There is a courtyard public area. It is heavily landscaped. Matt Wirth spoke about the buildings. There will be 2 buildings, 5 stories; commercial on the first floor. They are planning a more contemporary look than other parts of town. It is in the preliminary design phase.

Mr. Gladhill remarked that there is a lot of asphalt proposed for the site and also inquired as to whether there was any thought given to underground parking.

Mr. Wirth stated that they are trying to minimize underground parking as it is very expensive. They are also concerned with where the water table is located.

Mr. Gladhill stated that there will be a lot of kids playing in the area. There is a lot of asphalt and they are also in an area of high intensity traffic.

Mr. Wirth stated that they will provide recreational space along the brook (in close proximity to the units).

Attorney Pelech stated that if they are allowed to reduce the parking requirement, they can create a lot of greenspace and remove much of the asphalt.

Mr. Leduc inquired if the applicant has thought about the impact to the Bartlett intersection (with Islington).

Attorney Pelech stated that they have not done a traffic impact study to date. This may help the impact to Bartlett. That will be better known once a traffic study is done.

Councilor Thorsen stated that it is part of the vision for many that the railroad becomes an integral part of this area and not just a pass through for trains. This is all residential, so the calculation for parking of taking a ½ parking space will not work here because there is no other parking.

Chairman Ricci agreed with Councilor Thorsen.

Attorney Pelech stated that there would be a compatibility of uses, there is a variety of uses.

Councilor Thorsen stated the ½ space of parking should be considered and put in the context of overall parking for a particular development.

Ms. Moreau stated that this is not an extremely pedestrian friendly environment. If the City is working towards the Charrette Vision, there has to be more bicycle accommodations. There are 288 units, 143 of which are microunits. That amounts to a lot of people living in small units. This is a great space to have workforce housing units and a few additional 2 bedroom units. Redesigning the project so it is more family and bicycle friendly should be considered.

Mr. Crimmins stated that there are bike lanes incorporated into the road design. There are 5 outdoor racks at each building, and there are 64 total spaces for storage.

Ms. Moreau stated that this was not clear, although it is still not pedestrian friendly. There is too much asphalt and the applicant must think about going underground with the parking. She inquired about the building that is going to be the 30,000 s.f. of commercial and whether there was any additional detail about this use.

Attorney Pelech stated that there are no additional details at this point.

Ms. Moreau stated that the project is essentially asphalt around a square building. There needs to be more public space. There is one green section in the middle. There are no benches, no pathways or plantings. There really isn't anything that would encourage people to use this space. In addition, there should be more commercial space on the first floor.

Chairman Ricci stated that he would also like to see the first floor contain more commercial space than just parking. He would like to see the elimination of some of first floor parking and add retail/commercial so that it is more of a “live/work” space.

Attorney Pelech agreed with Chairman Ricci and would also like to see more commercial space. This would be possible with the relief from the microunit parking requirement.

Mr. Barker echoed the words of Ms. Moreau and Chairman Ricci regarding more commercial use and underground parking. He asked that the applicant consider a pedestrian bridge across to the park for kids to use.

Mr. Taintor stated that the applicant has missed some regulatory items for the commercial space. The first third of the distance between the street and the building must be landscaped. The wide easement area connecting to the former Suzuki is much too wide of a curb cut. The back of the commercial space facing residential development should be turned around so it faces the mixed use and it can be part of the community. The gateway plan only allows 65’ of continuous parking area within 50’ of a street. They would need to cut half of the parking spaces even with relief from the parking requirement that the applicant is seeking. There is 400’ of continuous parking along the frontage. This is deadly from a pedestrian point of view. This goes against the standards in the Gateway Planned Development and he doesn’t see how the Planning Board could approve this CUP. The Planning Board must look at meeting certain requirements for pedestrian design orientation. The applicant must look at indoor parking, but also outdoor parking. In terms of workforce housing, he is uncertain what the bedroom size was. The units cannot be called workforce housing as they are only 1 bedroom. There should be a lot more green space to meet the goals of Gateway Planned Development.

Councilor Thorsen stated that there may be an issue with contamination and clean-up. He wondered whether the owner has conducted any testing. There may need to be adequate testing.

Paul Mannle of 1490 Islington Street was present to speak to the application. He had a process question. As he understands it, any application that goes before the land-use boards must be compliant with all zoning. This is an application before the Board tonight.

Mr. Taintor stated that this is a Design Review, not an application and as such, it is nonbinding by either party. This vests them to current industrial zoning, but the applicant cannot do this under current industrial zoning -- so there is no vesting of this plan.

Mr. Mannle stated that because the Gateway is not in place, a public hearing is being allowed for a Design Review for which they need a variance. He inquired as to why this is being allowed.

Mr. Taintor stated that they have the right to request Design Review.

Mr. Mannle inquired if they have the right regardless of whether the zoning fits.

Mr. Taintor stated that they do have the right.

Steve Roberts, an Attorney representing Holloway Buick GMC Cadillac was present to speak to the application. The dealership is an abutter to the northwest. Attorney Roberts was present to ensure that the Board looks at the impact of the development on surrounding properties. There has been a

dealership in this location for over 50 years. The dealership is open 7 days a week. At his client's property, cars can be delivered 24/7 and there is a lot of activity, a lot of noise and 2,000 cars delivered/year. They are concerned that with residential units going in, it may not fit with the use that has been there for over 50 years. The dealership is not speaking for, or against; they are speaking to the proposal at the moment.

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 determine that the Design Review process has been completed. Mr. Barker Seconded the motion.

Ms. Moreau stated that given what the Board has, the application cannot be approved. She stated that it needs a lot of work. She had hoped that more members of the public would have been present to provide input.

Councilor Thorsen inquired about the ordinances for vesting for Design Review if this is accepted.

Mr. Taintor stated that the project, as it is designed, cannot be built under current industrial zoning so vesting is a moot point. The project is vested to industrial zoning, not a zoning that does not exist. The effect of publishing the second notice of reading is that the City cannot issue a Building Permit that conflicts with the current zoning. The industrial zoning does not allow residential uses or buildings to be that close to the street, so vesting would be meaningless. It would not be approved. The project would need many variances.

Councilor Thorsen wondered about if other zoning ordinances are passed, will the project be vested under the new ordinance, or will it remain under the old ordinance.

Mr. Taintor stated that it would not be vested under the new ordinance.

Attorney Pelech stated that vesting had nothing to do with this. They filed this simply to get input from the Board.

Mr. Taintor stated that this Design Review application was done for the right reason, but they could change the plan and get a new Design Review.

The motion passed unanimously.

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D. The application of **Chinburg Developers, LLC, Owner**, for property located at **1163 Sagamore Avenue**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer for demolition of an existing clubhouse and construction of 11 residential units including a private access drive, stormwater/drainage structures and sewer upgrade along Sagamore Avenue, with 9,682 ± s.f. of total impact to the wetland buffer (7,295 ± of impact for on-site improvements, 649 ± for off-site stormwater/drainage structures and 1,738 ± for off-site sewer improvements along Sagamore Avenue). Said property is shown on Assessor Plan 224 as Lot 17 and lies within the Mixed Residential Office (MRO) District.

The Chair read the notice into the record.

DISCUSSION AND DECISION OF THE BOARD

Ms. Moreau made a motion to postpone the Conditional Use Permit until the August 20, 2015 Planning Board meeting. Mr. Barker seconded the motion.

The motion to postpone the Conditional Use Permit until the July 16, 2015 Planning Board meeting passed unanimously.

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E. The application of **Hillcrest at Portsmouth, LLC, Owner**, for property located at **3201 Lafayette Road**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within an inland wetland to install five new manufactured homes at the following addresses: 429 Striped Bass Avenue (with proposed garage and paved driveway expansion), 229 Mackerel Avenue (with proposed shed and paved driveway expansion), 150 Codfish Corner Road (with proposed garage and paved driveway expansion), 180 Codfish Corner Road (with proposed garage, proposed shed and paved driveway expansion), 171 Codfish Corner Road (with proposed shed and paved driveway expansion), with 25,038 ± s.f. of total impact to the wetland. Said property is shown on Assessor Plan 291 as Lot 7 and lies within the Gateway (G), Garden Apartment/Mobile Home (GA/MH) and Rural (R) Districts.

Chairman Ricci recused himself from this application as he is an abutter to the property.

Vice Chairman Moreau read the notice into the record.

DISCUSSION AND DECISION OF THE BOARD

Mr. Gladhill made a motion to postpone consideration of the Conditional Use Permit until the August 20, 2015 Planning Board meeting. Mr. Gamester seconded the motion.

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

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F. The application of **Eversource (formerly Public Service Company of New Hampshire), Owner**, for property located on **Borthwick Avenue, 445 Route 1 By-Pass, and Barberrry Lane; Northern Utilities, Inc., Owner**, for property located at **139 Barberrry Lane; HCA Health Services of NH, Inc., Owner**, for property located on **Borthwick Avenue**; and **the City of Portsmouth, Owner**, for property located on **Borthwick Avenue**, requesting an amendment to a previously approved Conditional Use Permit approved by the Planning Board on November 20, 2014 under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer to (1) construct a 10,000 ± s.f., 10' x 10', gravel switch yard with associated equipment and structures, 8' chain-link fence, gravel access way, retaining wall and paved driveway apron and (2) install a 2,250 ± linear foot 115 kV transmission line with a 90' wide path. Said amendment requests the installation of an additional 25' tall riser pole and a separate fourth underground conduit to be used for emergency back-up, with 10 ± s.f. of additional permanent impact to the inland wetland buffer. Said properties are shown on Assessor Plan 234 as Lots 1, 2, 3, 7-4A, 7-7, and 7-3 and lie within the Office Research (OR) District and Municipal (M) District.

Vice Chairman Moreau read the notice into the record.

SPEAKING TO THE APPLICATION:

Greg Halsey with Tighe and Bond was present to speak to the application. The project is for the most part completed and is providing electricity to the greater Portsmouth area. They are requesting an additional riser structure and a 4th underground conduit. This will result in an additional 10s.f. of permanent buffer impact. The Conservation Commission recommended approval on June 10, 2015.

Mr. Taintor stated that the land use compliance agent was at the site looking at the substation development. The site development is not according to the Site Plan. He inquired if there were changes to the project that modified it. The project must return for an administrative amendment. The site work cannot change without this. It appears that there are poles/towers that are in new places other than what the Planning Board approved.

Patrick Crimmins with Tighe and Bond was present to speak to the application. The structure shown in the substation was shifted to accommodate where the right-of-way was located and was approved by the Conservation Commission.

Mr. Taintor stated wat it would be helpful to have that information.

Mr.Crimmins assured Mr. Taintor that this information would be made available.

Mr. Taintor stated that one of the stipulations of Site Pan Approval is that Eversource would work with the City on ensuring that the right-of-way could be used as a multi-use path connecting Barberry Lane with Borthwick Avenue. He asked for assurance that nothing that is being proposed would make that impossible.

Mr. Crimmins assured Mr. Taintor of this.

Vice Chairman Moreau 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 approval of the Conditional Use Permit as requested. Mr. Barker seconded the motion.

The motion passed unanimously.

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G. The application of **Lonza Biologics, Applicant**, for property located at **101 International Drive**, requesting Site Plan Approval for the expansion of the existing facility including exterior improvements that include a mezzanine with cooling towers, concrete pads for four transformers, one generator and one future generator, one control house, one nitrogen tank, one compactor pad, electric duct bank and two electric manholes, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 305 as Lot 6 and lies within the Pease Airport Business & Commercial (ABC) District.

Vice Chairman Moreau read the notice into the record.

SPEAKING TO THE APPLICATION:

Partrick Crimmins from Tighe and Bond was present to speak to the application. Paul Flemming from Lonza Biologics and Maria Stohl from the Pease Development Authority (PDA) were also present. In 2006, the Planning Board approved a 300,000s.f expansion for this project. It was constructed in 2008. It is an empty shell so site improvements are now needed. There will be some regrading associated with this work. It will require a catch basin that will tie into the existing stormwater system. There is a main that runs along the perimeter of the site that they will tap into. Through the TAC and Pease Development Authority process, they have determined that they would also construct most of the elements deferred in 2006. There have been some small improvements not part of the original site plan that are part of the current site plan. The applicant is requesting that approval be granted for a permanent paved drive. They have added parking to the site. Offsite and onsite improvements deferred include: reconstruction of the driveway, sidewalks, guard rails, landscape screening, reconstruction of the driveway and Goosebay Drive. They have added a pedestrian connection along International Drive at the request of TAC. They are requesting a waiver for which the PDA does not allow for more than 18 parking spaces in a row without a landscaped island. With the small addition of parking spaces, it would bring them to 24 spaces. The applicant felt that this was a reasonable waiver request as the area is a loading/utility area heavily screened from the abutting property with landscaping. The applicant is proposing 2 new generators. The PDA has a provision that does not allow for above ground tanks to exceed 2,000. The applicant's tanks (of which there are 4) will be 3,640 gallons each. They received approval from the BOA for this yesterday. They received the recommended approval from TAC on June 2, 2015. There were three stipulations. The applicant agrees with the 1st and 2nd stipulation (notes 14 and 15 on Sheet C3B have been added). The DPW said that Item 3 is sufficient for Planning Board review.

Mr. Gladhill inquired whether the temporary parking structure for construction will remain in gravel.

Mr. Crimmins stated that the temporary parking will remain in gravel. There are erosion control measures that will be implemented and a silt sock will line the perimeter

Ms. Moreau inquired if the transformers would be fenced in for safety.

Mr. Crimmins stated that they would all be surrounded by fencing.

Vice Chairman Moreau 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 recommend Site Plan approval to the Pease Development Authority as requested. Mr. Gladhill seconded the motion.

The motion passed unanimously.

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IV. CITY COUNCIL REFERRALS/REQUESTS

The Board's action in these matters has been deemed to be 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. Letter from Fr. Robert J. Archon, Saint Nicholas Greek Orthodox Church, regarding St. Nicholas Greek Orthodox Church Back Lot – Tax Map 229, Lot 6-A.

Mr. Taintor stated that there are two requests. The first is that the City accept Ledgewood Drive as a public Street. The second is a request for an easement from Ledgewood Drive right-of-way to the church lot.

Mr. Taintor provided some background stating that Ledgewood Drive was improved by the state as part of the reconstruction of the interchange between Lafayette Road and the Bypass. It was the intent of the City to accept this as a public street, it just has hasn't happened yet. Mr. Taintor has reviewed this with DPW. He is recommending that the City accept Ledgewood Drive as a public street. However, he is recommending deferment on the requested easement because he does not know where that easement will be. His recommendation is to defer action until a Site plan has been prepared for submission to the Planning Board.

Mr. Gladhill inquired if Ledgewood Drive was up to City standards.

Mr. Taintor stated that it has been brought up to City standards.

Mr. Finn inquired about the location of the road and the church parcel.

Mr. Taintor stated that it is the road that goes from Lafayette Road into the cul-de-sac.

Ms. Moreau agreed that an easement cannot be granted until there is a Site Plan.

Ms. Moreau made a motion to recommend that City Council accept Ledgewood Drive up to the cul-de-sac as a City Street. Mr. Gladhill seconded the motion.

The motion passed unanimously.

Ms. Moreau made a motion to recommend that City Council defer any action on the requested easement until the Site Plan has been prepared for submission to the Planning Board. Mr. Gladhill seconded the motion.

The motion passed unanimously.

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B. Letter from the Michael J. Decristofaro Revocable Trust 2015, Michael J. Decristofaro, Trustee, requesting that the City accept as a donation a 6.6 acre parcel of land which abuts the Rye Town line and is very close to the Greenland Town line (Assessor Map 296, Lot 2).

Mr. Britz stated that the land is a nice transition and provides an area for picnicking. The Conservation Commission is supportive of accepting the donation, but would like an assessed value of the property (which is included).

Mr. Leduc inquired about whether the request to keep the parcel as conservation land presents a burden.

Councilor Thorsen inquired about whether it is a requirement that the donation be used for what the donor specifies.

Mr. Britz stated that this would not be required for City land, but the Conservation Commission has always tried to honor the request of the donor. If there was a specific purpose for which the City wanted to use the parcel (other than conservation), the consideration could be brought to the owner's attention

Mr. Barker made a motion to recommend that the City Council accept the proposed donation of land Mr. Gladhill seconded the motion.

The motion passed unanimously.

Chairman Ricci stated that this is a beautiful area.

Mr. Britz stated that there is a white cedar swamp (endangered habitat in NH) located on the parcel. The parcel can be accessed off the old railroad line or the Rye sewer pump station. That line goes back in the woods.

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V. OTHER BUSINESS

A. The request of Commerce Way, LLC, Owner, for property known as Commerce Way (Assessor Map 215, Lot 1 and 1-1) for a one year extension of Conditional Use Permit approval granted by the Planning Board on June 19, 2014.

Mr. Taintor stated that this is the 1st one year extension which can be granted without a public hearing as long as the extension is requested prior to the expiration date.

Mr. Gamester made a motion to grant a one-year extension of the Conditional Use Permit, expiring June 19, 2016. Mr. Gladhill seconded the motion.

The motion passed unanimously.

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B. The request of the Clifton L. Wentworth Revocable Trust of 2002, Owner, for property located at 246 Jones Avenue (Assessor Map 221, Lot 6) for a one year extension of Conditional Use Permit approval granted by the Planning Board on June 19, 2016.

Mr. Gamester made a motion to grant a one-year extension of the Conditional Use Permit, expiring on June 19, 2016. Mr. Barker seconded the motion.

The motion passed unanimously.

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VI. PLANNING DIRECTOR'S REPORT

A. Master Plan

Mr. Taintor reminded the Planning Board of the work session next Thursday at 7pm and that they have the Portsmouth Listens Study Circles report. There will be more information presented at the meeting next week. There will be a presentation by Alan Mountjoy from NBBJ reporting on progress for the Master Plan.

Chairman Ricci inquired as to how far behind schedule the process was at this point.

Mr. Taintor stated that the process is about 3 months behind schedule.

Next Thursday, there will be progress made on the existing conditions report and ideas for public participation.

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VII. ADJOURNMENT

A motion to adjourn at 10:44 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 July 16, 2015 Planning Board Meeting.