

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

AUGUST 20, 2015

MEMBERS PRESENT: John Ricci, Chairman; Elizabeth Moreau, Vice Chairman; David Allen, Deputy City Manager; William Gladhill; Michael Barker; and Justin Finn, Alternate

MEMBERS EXCUSED: Robert Marsilia, Building Inspector; Jack Thorsen, City Council Representative, Colby Gamester; Jay Leduc

ALSO PRESENT: Rick Taintor, Planning Director

I. APPROVAL OF MINUTES

1. Approval of Minutes from the July 16, 2015 Planning Board Meeting – Unanimously approved.

II. DETERMINATIONS OF COMPLETENESS

A. Subdivision

1. The application of 955 Sagamore Realty Trust, Owner, for property located at 955 Sagamore Avenue, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots.

Voted to determine that the application for Subdivision approval was complete according to the Subdivision Rules and Regulations and accepted the application for consideration.

2. The application of Deer Street Associates, Owner, for property located at 165 Deer Street, and the City of Portsmouth, Owner, for property located at the corner of the right-of-way at Bridge Street and Deer Street, requesting Preliminary and Final Subdivision (Lot Line Revision) approval to re-align the roadway and transfer 1,717 ± s.f. of land.

Voted to determine that the application for Subdivision approval was complete according to the Subdivision Rules and Regulations and accepted the application for consideration.

- 3. The application of Deer Street Associates, Owner, for property located at 165 Deer Street and 191 Hanover Street, requesting Preliminary and Final Subdivision Approval to consolidate and subdivide two lots into six lots.

Voted to determine that the application for Subdivision approval was complete according to the Subdivision Rules and Regulations and accepted the application for consideration.

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B. Site Plan Review

- 1. The application of 233 Vaughan Street, LLC, Owner, and Chinburg Builders, Applicant, for property located at 233 Vaughan Street, requesting Amended Site Plan approval.

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

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III. PUBLIC HEARINGS – OLD BUSINESS

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 June 18, 2015 Planning Board Meeting.)

Voted to **grant** Preliminary and Final Subdivision Application 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 all resulting deeds 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 **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 properties are 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 June 18, 2015 Planning Board Meeting.)

1) The motion to grant a waiver of compliance with Section 3.3.2(3) of the Site Plan Review Regulations which limits the number of driveways to one per lot, and to allow the proposed development lot to have three driveways as shown on the site plan, **failed** on a 5-1 vote (Mr. Gladhill objecting).

2) The motion to grant a waiver of compliance with Section 6.7(1) of the Site Plan Review Regulations which requires street trees to be planted along public rights-of-way, and to allow alternative landscaping as shown on the Landscaping Site Plan, **passed** on a 6-0 vote.

3) Voted to **postpone** the Site Plan Review Application to the next Planning Board meeting scheduled for September 17, 2015.

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C. 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 accessdrive, 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. (This application was postponed at the June 18, 2015 Planning Board Meeting.)

Voted to **postpone** to the next Planning Board Meeting scheduled for September 17, 2015.

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D. The application of **Chinburg Development, LLC, Owner**, for property located at **1163 Sagamore Avenue**, requesting Site Plan Approval for the demolition of existing building and the construction of 11 single family dwellings and a private roadway, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 224 as Lot 17 and lies within the Mixed Residential Office (MRO) District.

Voted to **postpone** to the next Planning Board Meeting scheduled for September 17, 2015.

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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. (This application was postponed at the June 18, 2015 Planning Board Meeting.)

Voted to **grant** Conditional Use Permit Approval with the following stipulations:

- 1.) The Site Plan shall include a comprehensive water resource management plan (utilizing tools such as pavers, drainage systems, drip edge, and other best management practices for stormwater) as well as invasive management to include potential restriction of further future development in the wetland buffer proximal to the Berry’s Brook Watershed.
- 2.) Pervious pavers shall be installed on all walkways.

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IV. PUBLIC HEARINGS – NEW BUSINESS

A. The application of **Kyle Crossen-Langelier, Owner**, for property located at **304 Leslie Drive**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer to construct an 18’18” x 13’ carport in front of the existing structure, with 100 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 209 as Lot 47 and lies within the Single Residence B (SRB) District.

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

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B. The application of **955 Sagamore Realty Trust, Owner**, for property located at **955 Sagamore Avenue**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

- 1. Proposed lot #1 having an area of 64,600 ± s.f. (1.48 acres) and 141.82’ of continuous street frontage on Sagamore Avenue and 171.49’ of continuous frontage on Sagamore Grove; and
- 2. Proposed lot #2 having an area of 22,500 ± s.f. (.5163 acres) and 107’ of continuous street frontage on Sagamore Grove.

Said property is shown on Assessors Map 201 as Lot 1 and is located in the Waterfront Business (WB) district which requires a minimum lot size of 20,000 s.f. and 100’ of continuous street frontage.

Voted to determine that the application for Subdivision approval was complete according to the Subdivision Rules and Regulations and accepted the application for consideration.

Voted to **postpone** this matter to the October Planning Board meeting and to refer the application to the Technical Advisory Committee for recommendations regarding water and sewer service, other utilities, access and easements.

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C. The application of **Michael Brandzel and Helen Long, Owners**, for property located at **39 Dearborn Street (also known as Dearborn Lane)**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer to remove an existing front porch, side porch and side deck, to construct a 4' x 13' front addition and an irregularly shaped (231 s.f.) side addition, and to remove a 1,605 s.f. asphalt/crushed stone driveway and replace it with 1,798 s.f. of pervious pavement, with 499 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 140 as Lot 3 and lies within the General Residence A (GRA) District and the Historic District.

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

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D. The application of **Gregory C. and Sandra M. Desisto, Owners**, for property located at **36 Shaw Road**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland and tidal wetland buffers to renovate an existing house, including the addition of a second floor, the addition of a new garage, breezeway, porches and deck, and landscape improvements, with 14,060 ± s.f. of permanent impact and 1,353 ± s.f. of temporary impact to the wetland buffer. Said property is shown on Assessor Map 223 as Lot 22 and lies within the Single Residence B (SRB) District.

Voted to **postpone** to the next Planning Board Meeting scheduled for September 17, 2015.

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E. The application of **Deer Street Associates, Owner**, for property located at **165 Deer Street**, and the **City of Portsmouth, Owner**, for property located at the corner of the right-of-way at **Bridge Street and Deer Street**, requesting Preliminary and Final Subdivision (Lot Line Revision) approval to re-align the roadway and transfer 1,717 ± s.f. of land so that property shown on Assessor Map 125 as Lot 17 increases in area from 108,359 ± to 110,076 ± s.f. Said properties are located in the Character District 4 (CD4), Central Business B (CBB) District, the Mixed Residential B (MRB) District, the Downtown Overlay District (DOD) and the Historic District.

Voted to determine that the application for Subdivision approval was complete according to the Subdivision Rules and Regulations and accepted the application for consideration.

Voted to **grant** Preliminary and Final Subdivision Approval with the following stipulations:

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

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F. The application of **Deer Street Associates, Owner**, for property located at **165 Deer Street and 191 Hanover Street**, requesting Preliminary and Final Subdivision Approval to consolidate and subdivide two lots into six lots as follows:

1. Proposed lot #1 having an area of 54,017 ± s.f. (1.2404 acres) and 58.09’ of continuous street frontage on Bridge Street;
2. Proposed lot #2 having an area of 8,519 ± s.f. (.1956 acres) and no street frontage;
3. Proposed lot #3 having an area of 26,503 ± s.f. (0.6081 acres) and 45.63’ of continuous street frontage on Deer Street;
4. Proposed lot #4 having an area of 18,371 ± s.f. (0.4217 acres) and 168.87’ of continuous street frontage on Deer Street;
5. Proposed lot #5 having an area of 22,734 ± s.f. (0.5219 acres) and 140.35’ of continuous street frontage on Deer Street; and
6. Proposed lot #6 having an area of 22,538 ± s.f. (0.5174 acres) and 5.78’ of continuous street frontage on Hill Street;

Said properties are shown on Assessors Map 125 as Lot 17 and Assessors Map 138 as Lot 62 and are located in Character District 4 (CD4), the Central Business B (CBB) District, the Office Research (OR) District, the Downtown Overlay District (DOD) and the Historic District.

Voted to determine that the application for Subdivision approval was complete according to the Subdivision Rules and Regulations and accepted the application for consideration.

Voted to grant Preliminary and Final Subdivision approval with the following stipulations:

- 1.) Lot numbers as determined by the Assessor shall be added to the final plat.
- 2.) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
- 3.) GIS data shall be provided to the Department of Public Works in the form as required by the City.
- 4.) The final plat and all resulting deeds 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 **Richard Meyerkopf and Robin Lurie-Meyerkopf, Owners**, for property located at **53 Whidden Street**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer to construct a 26’ x 12’ pervious patio with a 36’ x 12’ associated retaining wall, with 378 ± s.f. of permanent impact and 1,131 ± s.f. of temporary

impact to the wetland buffer. Said property is shown on Assessor Map 109 as Lot 1 and lies within the General Residence B (GRB) District and the Historic District.

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

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H. The application of **Two International Construction, Inc., Applicant**, for property located at **85 New Hampshire Avenue**, requesting Site Plan approval to construct a two story office building with a footprint of 14,400 ± s.f. and gross floor area of 28,800 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 306 as Lot 3 and lies within the Airport Business Commercial (ABC) District.

Voted to recommend Site Plan Approval with the following stipulations:

Conditions Precedent (to be completed prior to the issuance of a building permit):

- 1.) The final drainage analysis shall be submitted to the Department of Public Works for approval prior to the issuance of a building permit. Any changes to the Grading and Drainage Plan (Sheet C5) or other Site Plan sheets resulting from DPW review shall be submitted to the Planning Department and Department of Public Works for review and recommendation to the PDA.
- 2.) The snow storage area on the south side of the site near the wetland shall be removed and a sign added to prohibit dumping of snow in this area. A note shall be added to the site plan indicating that snow will be removed from the site.
- 3.) The Site Plan shall be revised to show the mill and overlay of New Hampshire Avenue extending to 10 feet to the north of the catch basin in front of Building 1.

Conditions Subsequent (to be completed prior to the issuance of a certificate of occupancy):

- 4.) Following the first freeze/thaw cycle, the applicant shall mill and overlay New Hampshire Avenue to 10 feet on either side of the previous and proposed utility work in front of Buildings 1 and 4.

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I. The application of **233 Vaughan Street, LLC, Owner**, and **Chinburg Builders, Applicant**, for property located at **233 Vaughan Street**, requesting Amended Site Plan approval for changes to driveway and walkway configurations, landscaping and screening, surface materials, fencing, and locations of transformers and dumpster, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 124 as Lot 14 and lies within the Central Business A (CBA) District and the Historic District.

Voted to **grant** Amended Site Plan Approval for the Site Plans last revised on August 20, 2015, Sheets C1 and C2, subject to all previous stipulations an to the following additional stipulations:

Conditions Precedent (to be completed prior to the issuance of a building permit):

- 1.) The gate to the dog run area and rear entrance shall be revised to address egress concerns as discussed at the Planning Board meeting, to be approved by the Planning Director.
- 2.) The amended Layout & Landscaping Plan (Sheet C1) shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.

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

- 3.) The applicant shall construct the brick sidewalk in front of the transformer to City standard (change "Future Sidewalk" note on C1).

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J. Proposed amendments to Site Plan Review Regulations, Section 2.5 (Application Requirements), relative to site development within a Character District.

Voted to **postpone** to the next Planning Board Meeting scheduled for September 17, 2015.
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V. CITY COUNCIL REFERRALS/REQUESTS

A. Acquisition of land off Deer Street for construction of a municipal parking garage and associated access and utility improvements.

Voted to recommend the acquisition of land off Deer Street for construction of a municipal parking garage and associated access and utility improvements.
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B. Transfer of an area of land at the corner of Deer and Bridge Streets, containing approximately 1,717 sq. ft., to Deer Street Associates.

Voted to recommend the transfer of an area of land at the corner of Deer and Bridge Streets, containing approximately 1,717s.f. to Deer Street Associates as outlined in the Department Memorandum and to include the recommendation to discontinue the sidewalk easement.
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C. Renaming of Ledgewood Drive in accordance with E-911 specifications.

Voted to schedule a public hearing for the next Planning Board meeting scheduled for September 17, 2015.
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D. Request of 955 Sagamore Realty Trust to rezone 22,500 s.f. of property at 955 Sagamore Avenue from Waterfront Business (WB) to Single Residence B (SRB).

Voted to schedule a public hearing for the next Planning Board meeting scheduled for September 17, 2015.

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VI. OTHER BUSINESS

A. Request of Maplewood & Vaughan Holding Company, LLC, Owner, for a one-year extension of Site Plan Approval for property located at 111 Maplewood Avenue.

Voted to **grant** a one-year extension of Site Plan Approval.

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VI. PLANNING DIRECTOR’S REPORT

A. Master Plan Work Session – Scheduled for Thursday, August 27, 2015.

B. Capital Improvement Plan Presentation - the Capital Improvement Plan Presentation will be held September 23, 2015 at City Hall.

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VII. ADJOURNMENT

A motion to adjourn at 9:51 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board