

MINUTES

**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

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I. APPROVAL OF MINUTES

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

The Chair read the notice into the record.

Ms. Moreau made a motion to determine that the application is complete according to Preliminary and Final Subdivision Rules and to accept it for consideration. Mr. Barker seconded the motion.

The motion passed unanimously

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.

The Chair read the notice into the record.

Ms. Moreau made a motion to determine that the application is complete according to Preliminary and Final Subdivision Rules and to accept it for consideration. Mr. Barker seconded the motion.

The motion passed unanimously.

- 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.

The Chair read the notice into the record.

Ms. Moreau made a motion to determine that the application is complete according to Preliminary and Final Subdivision Rules and to accept it for consideration. Mr. Barker seconded the motion.

The motion passed unanimously.

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.

The Chair read the notice into the record.

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

The motion passed unanimously.

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

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

The motion to take Items C and D, Public Hearings, Old Business, and Items D and J, Public Hearings, New Business out of order for the purposes of postponement passed unanimously.

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III. PUBLIC HEARINGS – OLD BUSINESS

The Board’s action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

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Chairman Ricci asked for a motion to read Items A and B, Public Hearings, Old Business, in together to be heard as one application and voted on separately.

Ms. Moreau made a motion to read in Items A and B, Public Hearings, Old Business, in together to be heard as one application and voted on separately. Mr. Barker seconded the motion.

The motion to read Items A and B, Public Hearings, Old Business, in together to be heard as one application and voted on separately passed unanimously.

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.)

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.)

The Chair read the notices into the record.

SPEAKING TO THE APPLICATION:

Sharon Somers, Attorney, with Donahue, Tucker and Ciandella was present to speak to the application. Patrick Crimmins. of Tighe and Bond, and Matt Wirth of Pro-Con, were also present.

The applicant is requesting 3 categories of relief. They are seeking subdivision approval for the lot line revision, and a merger of 2 lots. Secondly, they are seeking site review approval for improvements at 235 Commerce Way. They are also seeking 2 waivers. The project has a history of approvals (2007 and 2009) with the Planning Board for lot line revisions. The previous permits have expired. TAC has issued a favorable recommendation with stipulations. The applicant has agreed to the TAC stipulations as well as the stipulations addressed in the Department Memorandum. Mr. Crimmins will be addressing the stipulations. The project was before the ZBA on August 18, 2015 to allow parking between the main building of 215 Commerce Way and Portsmouth Boulevard (one variance). They have obtained the variance. The applicant concurs with the stipulations Mr. Taintor presented in the staff report.

Mr. Crimmins stated that the subdivision consists of a lot line revision and a lot merger. The applicant is proposing 2 phases of construction. The lot line adjustment will occur between Map 213 Lot 11 (formerly owned by the applicant in 2007-2009; currently owned by Eversource) and 216 Lot 1B. Approval had been granted once. The applicant has since sold the property to Eversource. The lot merger will create a parcel totaling 8.8 acres. The project consists of 112,000 s.f. of office space. Phase 1 of the project consists of construction of a 63,000 s.f. office building and a parking area (419 spaces) which will support the existing building and the building to be constructed. Improvements to 215 Commerce Way were approved in 2011 by the Planning Board and have since expired. There are 3 driveways for the project on site. They have obtained a NH DES alteration of terrain permit. The Stormwater Management system consists of a gravel wetland to treat and discharge stormwater. Utilities will be accessed off Commerce Way. Commerce Way had been a privately owned roadway (by the applicant) but has been deeded to the City. The applicant would like to stub utilities into the site while construction is occurring. There will be pedestrian access throughout the site. There will be building front sidewalks as well as on the back of the site. Bike racks are at the building front. The applicant will be installing street trees along Portsmouth Boulevard. The roadway improvements include a greenbelt along the frontage of the businesses. This is a design element that has been maintained similar to other buildings in the development. As part of phase 1, all landscaping will be constructed. Phase 2 consists of a 43,000s.f addition onto the building constructed in Phase 1. The upper level lot will be constructed as part of Phase 1.

The purpose for 2 driveways on Portsmouth Boulevard is to support effective, efficient traffic circulation including that for emergency vehicles. Providing the parking deck allows the applicant to meet parking regulations. They also need a NH DES sewer connection permit. They anticipate receipt of this permit within the month.

They are seeking 2 waivers; one with respect to landscaping (greenbelt design). The regulations require street trees along the frontage of the right-of-way. They are following suit with this regulation as it would not be consistent with what has been done to maintain a certain shielding (with landscaping) of the buildings. The second waiver has to do with driveways. Site Plan Regulations allow for only one driveway/site. They have 3 driveways on site. They are seeking a variance for parking between the principal building and the street. They have been approved for this variance. On June 30th, the TAC recommended approval to the Planning Board with stipulations. All stipulations have been addressed.

Ms. Moreau inquired about the time frame between Phase 1 and Phase 2.

Mr. Crimmins stated that the hope is that they do not have to build in phases. The applicant is working with a potential tenant that would occupy all, or almost all, of Phase 1. If this becomes the case, both phases would be constructed at one time. If this does not come to pass, Phase 1 would happen in the spring of 2016. Phase 2 would be constructed when the need presents itself. They do not have a definite timeline.

Ms. Moreau inquired as to whether the difference of 11' in grade will be created, or whether the grad already exists.

Mr. Crimmins stated that they are raising the site by a few feet.

Ms. Moreau inquired as to whether the Phase 1 and 2 buildings will be connected.

Mr. Crimmins stated that they will be connected.

Ms. Moreau inquired about shielding light along Portsmouth Boulevard.

Mr. Crimmins stated that they will shield the fixtures.

The Chair asked if anyone was present from the public wishing to speak to, for, or against the petition.

Angela Lambert of 3 Osprey Drive was present to speak to the application. She stated that the property is abutting Portsmouth Boulevard. She stated even though extensive planning and investment are already underway, she felt it necessary to bring her concerns to light. To date, the office park has had little impact on her life and that of her family. This will change. She stated that the sizeable parking lot will have a negative impact on the value of her property and her family. Based on the traffic assessment, in the peak morning commute hours, the number of cars driving down Portsmouth Boulevard is currently 4. After Phase 1, there will be an increase to 100 cars and an increase of up to 300 cars after Phase 2 is completed. She is also concerned about light pollution. In addition, the largest office space currently is about 57,000s.f. She felt that this project is out of character with other buildings in the office park. The project will essentially be double the size. From her understanding, wetlands shouldn't be near areas of snow removal. In this plan, the two are close together. She felt that the entrances on Portsmouth Boulevard will create a lot of noise.

Gail Torres of 2 Osprey Drive was present to speak to the application. She echoes the words of Ms. Lambert. In addition to what Ms. Lambert stated, most employees of the commercial area roll through the stop sign. She has been out with her granddaughter and has nearly been hit. She felt this danger would increase with this project. Most of the screening trees are deciduous. This will not offer much shielding in winter. Also, employees that walk through the neighborhood at lunch throw trash (cigarette butts and paper cups) on site. She often picks up the trash. She felt that this should be the responsibility of the owner.

The Chair asked if anyone else was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Chairman Ricci stated that there are two applications before the Planning Board. He requests that the first application (Preliminary and Final Subdivision Approval) be addressed first.

Ms. Moreau made a motion to grant Preliminary and Final Subdivision Approval subject to the TAC Stipulations as noted in the Staff Memorandum. Mr. Barker seconded the motion.

The motion to grant Preliminary and Final Subdivision approval passed unanimously with the following stipulations:

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

Chairman Ricci requested that the second application of Site Plan Approval be addressed.

Mr. Taintor stated that the waivers require a vote by 6 members and as there are only 6 members of the Planning Board present this evening, the vote must be unanimous in order for approval to go forward.

Mr. Gladhill stated that this proposal is unique to the rest of the development. There is more of a uniform design. He wondered if this was the best design for the project. There may be a better way. He was thinking of the concerns of the abutting residents, particularly the two driveways on Portsmouth Boulevard.

Ms. Moreau agrees with the comments of Mr. Gladhill. She felt the project could be reconfigured and that perhaps there could be one driveway instead of two on Portsmouth Boulevard.

Mr. Crimmins stated that the design is based on setbacks and the fact that they are using a corner lot. Any other design would be problematic for parking.

Mr. Barker inquired with regard to the lighting concerns, as to whether there was a different type of light that may accomplish safety concerns, but not be as intrusive.

Chairman Ricci stated that even though a certain level of light is needed in parking areas for foot safety, he felt the issue could be corrected. Evaluation one year after completion of the first phase might be appropriate. He pointed out that he doesn't want abutters to think applications are rubber stamped. He felt that the points brought up by abutters were excellent points. He wanted to give the abutters the opportunity for input a year from completion.

Ms. Moreau inquired about the possibility of the Trees and Greenery Committee reviewing the project.

Ms. Somers stated that the Trees and Greenery Committee was very involved with the selection of trees. Mr. Taintor stated that they were referring to Portsmouth Boulevard. Chairman Ricci agreed that it would be a good idea for the Trees and Greenery Committee to review the selection of trees for seasonal screening.

Chairman Ricci called for a vote to waive compliance with Section 3.3.23 (driveways).

Ms. Moreau made a motion to waive compliance on Section 3.3.23. Mr. Barker seconded the motion.

The motion to waive compliance with Section 3.3.23 failed to pass with a 5-1 vote (Mr. Gladhill opposed.)

Mr. Gladhill explained why he was opposed to waiving compliance with Section 3.3.23. He felt that 3 driveways (2 driveways facing a residential section) were not the best alternative/configuration, or the safest.

Chairman Ricci called for the vote to waive compliance with Section 6.71 (street trees) of the Site Plan Review Regulations.

Ms. Moreau made a motion to waive compliance with Section 6.71 of the Site Plan Review Regulations. Mr. Barker seconded the motion.

The motion to waive compliance with Section 6.71 of the Site Plan Review Regulations passed unanimously.

Mr. Crimmins stated that he respectfully disagrees with Mr. Gladhill. He inquired if there was any way to stipulate that the applicant review an alternative driveway option with City staff that would be more appropriate, they would be happy to accommodate. The applicant could come up with an alternative plan.

Ms. Moreau made a motion to postpone consideration of Site Plan Approval to the September 17, 2015 Planning Board meeting. Mr. Barker seconded the motion.

The motion to postpone consideration of Site Plan Approval to the September 17, 2015 Planning Board meeting passed unanimously.

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

The Chair read the notice into the record.

Ms. Moreau made a motion to postpone consideration of the Conditional Use Permit to the September 17, 2015 Planning Board. Mr. Barker seconded the motion.

The motion to postpone consideration of the Conditional Use Permit to the September 17, 2015 Planning Board meeting passed unanimously.

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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.

The Chair read the notice into the record.

Ms. Moreau made a motion to postpone consideration of Site Plan Approval to the September 17, 2015 Planning Board meeting. Mr. Barker seconded the motion.

The motion to postpone consideration of Site Plan Approval to the September 17, 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. (This application was postponed at the June 18, 2015 Planning Board Meeting.)

Chairman Ricci recused himself as a direct abutter to the application.

The Vice-Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Attorney Bernie Pelech was present to speak to the application. He provided a brief history of Hillcrest Estates. Hillcrest Estates was developed in the 1960s. Attorney Pelech showed on the drawings which areas onsite were developed in the 1960s, 1970's and 1980's. A mobile home at the

time was one that could be driven on the street. In the 1970s, approval was received from the NH DES to fill wetlands, and homes were subsequently put in place. Some additional homes were put in place in the 1980's. When the homes were put in place, manmade wetlands did not require "wetland buffers". Even after the ordinance was created, the homes on this site were excluded because the wetlands were manmade. Manmade wetlands did not have buffers. The minimal jurisdictional wetland is now 10,000s.f. so homes on site became non-conforming and were in the wetland buffer. Glenn Gidley purchased the property from the Desfosses family 2 years ago. He has upgraded the property significantly, yet it remains affordable. Residents take care of their property, there is a pride of ownership and it has become a showplace. When the applicant went before the Conservation Commission, there were over 100 residents present to testify on behalf of the application. The Conservation Commission unanimously recommended that the Planning Board grant the Conditional Use Permit. As people move away, or pass away, the homes have been replaced with a more modern unit. The applicant has worked with Rick Taintor, Peter Britz, Dave Allen, and Bob Sullivan to comply with what the City is looking for. The site plan is unique and envisions any and all changes that could possibly occur. They cannot, and will not, increase the size of the site or number of homes. They are currently proposing the first 5 sites for replacement and the proposal is to come before the Planning Board 5 or so sites at a time. They are increasing impervious coverage, but they are doing things to mitigate the increase. They are doing everything suggested by the Planning Board and Conservation Commission.

Cory Colwell of MSC Civil Engineers was present to speak to the application. He stated that the proposal before the Planning Board tonight is to install 5 new manufactured homes. There is 25,000s.f of impact to the buffer zone. There is no impact to the wetland itself. On Sheet C1, he showed what homes would be replaced. The sites have had mobile homes; 3 of them are currently empty while 2 have existing units. Sheets C2-C6 depicts the details for each particular unit. They are proposing a 5' landscaped bed around each unit. They are proposing an 18" stone trench around the driveway and each unit. They show on each sheet, the buffer that will be impacted by each unit. There will be 25,000s.f of impact to the buffer from the 5 new units. The total increase in impervious area as a result of the 5 new units is 5,106s.f. To offset that increase, they are proposing (throughout the site) 36,400s.f of tree plantings, 12,700s.f. of shrub plantings and 38,200s.f of raingardens.

Tom Sokolowski, Wetland Scientist with TES Environmental Consultants was present to speak to the application. He has delineated the wetlands on site. He performed a wetlands functions and values assessment. They are proposing plantings to enhance wildlife value. They are proposing tree plantings along the edge and will create a more diverse vegetative structure. Stormwater quality was a particular concern on this site. Drip edges along buildings and sides of driveways will be installed. This will reduce stormwater volume. In addition, there are mitigative measures as part of the 20-year buildout. He described how the 5 criteria for approval of the CUP are being met.

Mr. Taintor pointed out that Mr. Britz, City Environmental Planner, was present to answer any questions.

Deputy City Manager Allen inquired about the relationship between the home owner and the property. He wondered what guarantee there might be that the home owner will not pave on site.

Attorney Pelech stated that all mitigative measures are on land owned by Mr. Gidley and will be maintained by him, not the landowner. The homeowners own their home; Mr. Gidley owns the ground upon which the homes sit.

Mr. Britz stated that the Conservation Commission had a process set up previously looking at the project piecemeal. The applicant has been asking for a more comprehensive look at the whole site rather than each individual unit. This is a benefit from the perspective of the Conservation Commission. This will result in a better overall outcome for conservation. It is a more long range and comprehensive plan. The wetlands on site were previously drainage ditches and were exempt from a "wetlands" designation. The site as a whole will function better and onsite work will present less of an impact than it did previously.

Mr. Taintor stated that in October 2014, there was an agreement reached that required certain milestones from the applicant. The agreement stated that as long as milestones were being met, the City would look at approving the 5 sites. Part of the reason for the recommendation of approval tonight is that it would demonstrate the commitment on the part of the City in holding up their end of the agreement. It would also allow the City to continue to work with the applicant in putting together a better application.

The Chair asked if anyone was present from the public wishing to speak to, for, or against the petition.

Kim Lindstrom of 132 Codfish Corner Road was present to speak to the application. As a homeowner, she is very grateful that Glenn Gidley bought the property. On a personal note, her husband, Max, applied for a building permit and was approved. He has been put on hold because of what is happening with the Planning Board. They are very upset about this.

Kathleen Anania of 421 Striped Bass Avenue was present to speak to the application. She lived on Woodbury Avenue for 31 years. But she feels that where she lives now in Hillcrest Estates is more beautiful. She is President of the Association and residents are very grateful for what Mr. Gidley has done. She urged the Planning Board to approve the application.

Art Pomerleau of 218 Mackerel Avenue was present to speak to the application. He stated that mobile homes or trailers do not exist at this site. These are modular homes and it is a community. They are permanent homes.

Ronald Cypher of 319 Salmon Avenue was present to speak to the application. He has lived at Hillcrest Estates almost 18 years. For 16 years, it has been a challenge to live there. He stated that since Mr. Gidley bought the park, he has been proud of where he lives. The changes that have been made in the past 2 years have been phenomenal.

Maxine Canney of 14 Tuna Terrace was present to speak to the application. She has been at Hillcrest Estates for over 50 years. She needs a new home and she wants to stay where she is, but she cannot do so unless the application is approved. She urged the Planning Board to approve the application.

Art Moran, who is currently homeless, was present to speak to the application. He sold his house in Rye. He is temporarily staying at 5 Granite Way in Hampton, NH. He is looking to buy an adjacent

property to Hillcrest estates. He cannot move forward until the application is resolved. He urged the Planning Board to approve the application.

The Chair asked if anyone else was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Barker made a motion to grant approval of the Conditional Use Permit as requested with stipulations as noted in the Staff Memorandum. Mr. Finn seconded the motion.

The motion to grant Conditional Use Permit approval passed unanimously 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

*The Board’s action in these matters has been deemed to be quasi-judicial in nature.
 If any person believes any member of the Board has a conflict of interest,
 that issue should be raised at this point or it will be deemed waived.*

A. The application of **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 18’8” 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.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Kyle Langelier, Owner, was present to speak to the application. Ms. Langelier is requesting to install a carport that would partially impact the tidal wetland buffer. Since she purchased the lot in 2000, it has been plagued with abutter runoff, poor site drainage, and city stormwater overflow. It has eroded the site and dumped unfiltered runoff into Cutts Cove. Over the course of the past 15 years, she has spent \$20,000 to improve stormwater management on site (based on the NH DES Homeowner’s Guide to Stormwater Management). This includes installation of a drip line, drywall systems, 2 raingardens, 3 rain barrels, driveway trenching and a stonpath erosion control system. She has successfully controlled a large percentage of the erosion and damage to the Cove. The carport will not impact the

wetlands due to the fact that it will be located off the front of the house and on the existing grade. No site excavation will be conducted except hand-digging for the sonna tubes.

Deputy City Manager Allen inquired about how the installation of the drainage system by the City is working.

Ms. Langelier stated that it is working very well.

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

The motion to grant Conditional Use Permit approval passed unanimously.

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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.

Chairman Ricci recused himself as his wife is a direct abutter to the property.

The Vice-Chair read the notice into the record.

Mr. Taintor stated that because there are only 5 voting members for the application, he cannot vote on the waiver so he will be recommending a substitute motion.

SPEAKING TO THE APPLICATION:

Peter Weeks of PGW Real Estate Consulting was present to speak to the application. John Chagnon, Ambit Engineering, was also present. Mr. Weeks submitted a petition in support of the Subdivision and the rezoning. The petition was signed by 5 homeowners. Currently, the applicant is working on the possibility of running a new water line to the property and working with the City on the possibility of extending the sewer from Sagamore Avenue to the site and the boat club. He is requesting that the application be submitted for the October 15, 2015 Planning Board agenda.

The Vice-Chair asked if anyone was present from the public wishing to speak to, for, or against the petition. Seeing no one rise, the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Taintor stated that there would be no vote on Item 1, and the motion on Item 2 would be to vote to postpone consideration of the application to the October 15, 2015 meeting of the Planning Board.

Mr. Barker made a motion to postpone consideration of Preliminary and Final Subdivision Approval to the October 15, 2015 Planning Board meeting. Mr. Gladhill seconded the motion.

The motion to postpone consideration of Preliminary and Final Subdivision Approval to the October 15, 2015 Planning Board meeting passed unanimously.

Deputy City Manager Allen requested a motion to take City Council Referral Item D out of order for the purposes of scheduling a public hearing October 15, 2015.

Mr. Barker made a motion to postpone City Council Referral Item D in order to schedule a public hearing at the October 15, 2015 Planning Board meeting. Mr. Gladhill seconded the motion.

The motion to postpone City Council Referral Item D in order to schedule a public hearing at the October 15, 2015 Planning Board meeting passed unanimously.

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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 499 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.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

Mike Brandzel and Helen Long were present to speak to the application. Mr. Brandzel made a correction. He stated that they are removing 1600s.f. impervious area and replacing it with 1800s.f. of pervious material while creating 380s.f of tidal buffer restoration area. They originally wished to add 107s.f of area to their home. They received approval for the shed and a bump out in the living room area. They planned to replace the deck as well. They were approved by the ZBA. They have received approval of the neighbors and have granted a viewshed easement to neighbor Mike Staycek. The application was also approved by the HDC. However, the HDC recommended keeping the original façade and rather extending out in another area, enlarging the kitchen area out to the deck. Subsequently, the applicant altered the original design to meet the approval of the HDC. The applicant

met with the Conservation Commission (98% of their property is within the wetland buffer). The Conservation Commission recommended approval of the application.

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 amended. Mr. Gladhill seconded the motion.

The motion to grant Conditional Use Permit approval passed unanimously.

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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.

The Chair read the notice into the record.

Ms. Moreau made a motion to postpone consideration of the Conditional Use Permit to the September 17, 2015 Planning Board meeting. Mr. Barker seconded the motion.

The motion to postpone consideration of Conditional Use Permit approval to the September 17, 2015 Planning Board meeting passed unanimously.

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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.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, Ambit Engineering was present to speak to the application. Deer Street Associates was also present. The proposal is to transition the Deer Street/Bridge Street right-of-way T to a more conventional curb arrangement and transfer it from the City of Portsmouth to Deer Street Associates.

He stated that DPW is happy with the right-of-way width. He reported that the applicant is happy to follow staff recommended conditions.

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 Preliminary and Final Subdivision Approval with the stipulations as noted in the Staff Memorandum. Deputy City Manager Allen seconded the motion.

The motion to grant Preliminary and Final Subdivision approval passed unanimously with the following stipulations:

1. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
2. GIS data shall be provided to the Department of Public Works in the form as required by the City.
3. The final plat and 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.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, Ambit Engineering, was present to speak to the application. Deer Street Associates was also present. The applicant is proposing to subdivide the site into 6 lots (Lot 2 is unbuildable with

no frontage). The purpose of the subdivision is to redevelop this section of the City. Note 8 describes site improvements.

Mr. Gladhill inquired about drawing a lot line through a building; whether it has happened previously and whether there might be a problem with that.

Mr. Taintor stated that it is a complicated situation. He does not know if it has ever happened previously, but the purpose is to authorize the creation of the individual lots. Transfer of the lots, and creations of the easements, would be down the road. This would necessitate the creation of a fire wall in order for the line to be drawn through a building.

Mr. Gladhill stated that if the situation arises wherein Lot 1 is sold to one person/entity and another Lot is sold to a different owner, problems may occur.

Deputy City Manager Allen stated that it is a public/private venture between the City and Deer Street Associates. They are working on purchase and sales agreements and joint development agreements. It is the way the application has to proceed at this point, but it is complicated. The City Attorney and the Applicant’s attorney are working together on the application to ensure that details will meet legal standards. The City is comfortable at this time with drawing the lot line.

Ms. Moreau stated that she agrees with the points Mr. Gladhill mentioned.

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 Preliminary and Final Subdivision Approval subject to the stipulations as noted in the Department Memorandum. Mr. Barker seconded the motion.

The motion to grant Preliminary and Final Subdivision approval passed unanimously 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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Chairman Ricci called for a motion to take Items A and B, City Council Referrals, out of order.

Ms. Moreau made a motion to take Items A and B, City Council Referrals, out of order. Mr. Barker seconded the motion.

The motion to take Items A and B City Council Referrals out of order passed unanimously.

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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.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, of Ambit Engineering, was present to speak to the application. Richard Meyerkopf was also present. The site is adjacent to the South Mill Pond. The site is almost entirely within the 100' buffer of the South Mill Pond. The project will have 1,509 s.f. of site disturbance. The applicant is seeking a Conditional Use Permit. The conditions for approval have been reviewed by the Conservation Commission and they have recommended approval. Mitigation measures include planting 175 s.f. of additional buffer plantings at the edge of the riprap shore of the pond.

Mr. Gladhill inquired about the height of the retaining wall.

Mr. Chagnon stated that the retaining wall is 18" (the maximum).

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. Mr. Barker seconded the motion.

The motion passed unanimously.

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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.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, Ambit Engineering, was present to speak to the application. Colin Dinsmore, Ambit Engineering, was also present. There are currently 3 buildings onsite. The proposal is to build a 28,500 s.f. 2-story office building. The applicant does not yet have a tenant. There is an existing wetland in back of the property (which they will not be working near). The building on site has been demolished. There are 116 parking spaces on site. The project was approved with stipulations at the TAC meeting on August 4, 2015 meeting. With the revised plans, many of the stipulations have already been addressed. As to the stipulations in the Department Memorandum, the applicant wholeheartedly supports them as conditions of approval.

Mr. Taintor stated that he spoke with Dave Desfosses about the overlay and he suggested that the plan be revised to reflect the overlay going out another 10' beyond the catch basin (drains into the detention area in front of building 1).

Mr. Chagnon agreed to the suggestion by Mr. Desfosses.

Mr. Gladhill asked about driveway treatment for ice and snow. It seems to be that while the building is away from the wetlands, the snow storage is close to the wetlands in this application.

Mr. Chagnon stated that the site doesn't have a lot of excess area for snow storage. The storage will be typical of parking lots. If the Planning Board has a suggestion, he is amenable.

Mr. Gladhill stated that taking the snow offsite is a possibility. Other than that, he cannot think of any options.

Ms. Moreau made mention of the Snow Dragon that Harborcorp will use to melt snow.

After some discussion, the Planning Board agreed that an added stipulation should be that the applicant shall store snow in the catch basin. If it goes beyond the added 10', the snow is to be melted or hauled offsite.

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 Site Plan Approval with stipulations as noted in the Department Memorandum, and with the additional stipulation as discussed regarding snow storage. Mr. Gladhill seconded the motion.

The motion to recommend Site Plan approval to the PDA passed unanimously with the following stipulations:

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.
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.

The Chair read the notice into the record.

SPEAKING TO THE APPLICATION:

John Chagnon, Ambit Engineering was present to speak to the application. He provided the Planning Board with amended plans and stated that they are a result of final tweaking between HDC Approval and TAC comments. Mr. Chagnon went on to describe the amendments. The patio has been reduced in size. There is additional landscaping. Venting to the basement has been added. Lights were added to the entrance drive. A drain on the outside of the garage has also been added. The dumpster has been eliminated and an indoor trash room has been created in place of the dumpster. The landscaping in front of the transformers has been removed and a fence has been installed in front of the transformers. The sidewalk has been moved over to introduce landscaping. The steps were moved and a drain has been added for overflow to the Fire Department connection. A fence along the entire railroad corridor to act as a screen for residents has been added. Onsite sidewalks have been changed from concrete to brick. The HDC approved the application on August 4, 2015 subject to stipulations. The applicant has no issue with staff comments.

Mr. Taintor inquired about the approval of the gate and the fence from Eversource.

Mr. Chagnon stated that it has been approved as long as it maintains the clearances that Eversource requires.

Mr. Taintor inquired about the gate to the dog run stating that when people come down the steps, if they come straight down, they will run into the fence.

Mr. Chagnon stated that it is an awkward area; 44” is the code requirement and they have achieved that measurement. He thought that perhaps a swinging gate may help. He stated that if the Planning Board had a suggestion, the applicant is amenable.

Mr. Taintor stated that he had no suggestions to deal with this aspect of the project. However, he recommended to the Planning Board that an administrative stipulation regarding this if the application is to be approved would be in order.

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 Site Plan Approval subject to all previous stipulations, and with additional stipulations as noted in the Department Memorandum. The additional administrative stipulation for dog run is to be included. Mr. Barker seconded the motion.

The motion to grant amended Site Plan approval passed unanimously with the following stipulations:

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.
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.

Ms. Moreau made a motion to postpone consideration of proposed amendments to the Site Plan Review Regulations, Section 2.5 to the September 17, 2015 Planning Board meeting. Mr. Barker seconded the motion.

The motion to postpone consideration of proposed amendments to the Site Plan Review Regulations, Section 2.5 to the September 17, 2015 Planning Board meeting passed unanimously.

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

The Chair read the notice into the record.

Mr. Taintor stated that as discussed, the acquisition pertains to Lot 1 of the subdivision that was approved tonight, and a triangular parcel belonging to an adjacent owner (to provide a full right of way to connect the parking garage to Bridge Street). It is intended to be a public street and will in essence create a new commercial neighborhood in the city. The City Council has referred this matter to the Planning Board for recommendation.

Ms. Moreau made a motion to recommend (as stated in Item A, Page 8 of the Department Memorandum) the acquisition of land off Deer Street for construction of a municipal parking garage and associated access and utility improvements. Mr. Barker seconded the motion.

The motion passed unanimously.

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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.

The Chair read the notice into the record.

Mr. Taintor made mention of something missing from the recommendation. On page 9, “and to discontinue the sidewalk easement as shown on the plan” should be added.

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

The motion passed unanimously.

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C. Renaming of Ledgewood Drive in accordance with E-911 specifications.

Mr. Taintor stated that alternate names are being researched. He recommended coming up with names to which the public can respond.

Ms. Moreau stated that there are so many streets that seem to violate 911. She inquired as to why this street would take precedent.

Mr. Taintor stated that the reason being that it will become a City street. It has never been a City Street so the suggestion has been made to resolve the issue now.

Mr. Barker made a motion to schedule a public hearing for the Planning Board meeting on September 17, 2015. Ms. Moreau seconded the motion.

The motion passed unanimously.

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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).

Mr. Gladhill made a motion to schedule a public hearing to rezone 22,500 s.f. of property at 955 Sagamore Avenue from Waterfront Business (WB) to Single Residence B (SRB) for the Planning Board meeting on October 15, 2015. Mr. Barker seconded the motion.

The motion passed unanimously.

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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.

Mr. Taintor stated that the project was held up by a court case for quite some time. The final decision of the court on September 8, 2014 was to extend the approval until September 8, 2015. Under Site Plan Regulations, there is an allowance of a one-time extension.

Ms. Moreau made a motion to grant a one-year extension. Mr. Gladhill seconded the motion.

The motion to grant a one-year extension of Site Plan approval passed unanimously.

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VI. PLANNING DIRECTOR’S REPORT

A. Master Plan Work Session – Mr. Taintor stated that each member of the Planning Board has a copy of the Master Plan 2015 Existing Conditions draft document. He stated that the work session will be held Thursday, August 27, 2015 at 7:00pm. The purpose of the meeting is 2-fold. There will be a short period for the Planning Board to ask questions of the consultants, and secondly (and primarily) to get Planning Board feedback on the work the consultants have been doing.

B. Capital Improvement Plan Presentation – Mr. Taintor reported that the Capital Improvement Plan Presentation will be held September 23, 2015 at City Hall. This meeting has been requested by the neighborhood committees (CIP 101). It will be staff driven. There will be presentations and an opportunity for public comment.

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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,

Toni McLellan
Acting Secretary for the Planning Board

These minutes were approved at the September 17, 2015 Planning Board Meeting.