

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

APRIL 21, 2016

MEMBERS PRESENT: John Ricci, Chairman; Elizabeth Moreau, Vice Chairman; Rebecca Perkins, City Council Representative; David Allen, Deputy City Manager; David Moore, Assistant City Manager; William Gladhill; Colby Gamester; Jay Leduc Dexter Legg and Jody Record, Alternate

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

MEMBERS ABSENT: n/a

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6:00 – 7:00 Work Session on the Master Plan.
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I. APPROVAL OF MINUTES

1. Approval of Minutes from the March 17, 2016 Planning Board Meeting – Unanimously approved.
2. Approval of Minutes from the March 31, 2016 Planning Board Work Session – Unanimously approved.

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II. DETERMINATIONS OF COMPLETENESS

A. Subdivision:

1) The application of **Borthwick Forest, LLC, KS Borthwick, LLC, Atlantic Star Communications, HCA Realty, Inc., and Jackson Gray Condominium Association, Owners**, for property located **off Islington Street and Borthwick Avenue**, requesting Preliminary and Final Subdivision Approval.

Voted to **postpone** to the May 19, 2016 Planning Board Meeting.

B. Site Plan Review:

1) The application of **HCA Realty, Inc., Owner**, for property located **off Borthwick Avenue**, and **Jackson Gray Condominium Association**, for property located at **330 Borthwick Avenue**, requesting Site Plan Approval

Voted to **postpone** to the May 19, 2016 Planning Board Meeting.

- 2) The application of **2422 Lafayette Road Associates, LLC, Owner**, for property located at **2454 Lafayette Road (Southgate Plaza)**, requesting a Gateway Planned Development Conditional Use Permit

Voted to determine that this application for a Gateway Planned Development Conditional Use Permit approval is complete according to the Zoning Ordinance and accepted it for consideration.

- 3) The application of **2422 Lafayette Road Associates, LLC, Owner**, for property located at **2454 Lafayette Road (Southgate Plaza)**, requesting Site Plan Approval

Voted to determine that this application for Site Review approval is complete according to the Site Plan Review Rules & Regulations and accepted it for consideration.

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III. PUBLIC HEARINGS – OLD BUSINESS

A. The proposal to amend the Zoning Ordinance to implement Character-Based Zoning in the West End and Islington Street corridor, and to make various related amendments to the Zoning Ordinance and Zoning Map, as follows:

- (1) Delete the existing Article 5A – Character Districts in its entirety and insert in its place the new Article 5A – Character Districts dated 1/11/2016.

- (2) Amend Articles 4, 5 11, 12 & 15 of the Zoning Ordinance as set forth in the document titled “Conforming Amendments to Zoning Ordinance” dated 1/11/2016.

- (3) Amend the Zoning Map as set forth in the following maps dated 1/11/2016:

- (a) Map 10.5A21A – Character Districts and Civic Districts;
- (b) Map 10.5A21B – Building Height Standards;
- (c) Map 10.5A21C – Special Requirements for Façade Types, Front Lot Line Buildout & Uses.

- (4) Amend the Zoning Map by changing the zoning designation of 52 parcels as set forth in the document titled “Proposed Additional West End Zoning Changes” dated 1/11/2016 and as shown on the map titled “Additional West End Zoning Changes – First Reading – January 11, 2016”.

(This item was continued from the March 17, 2016 Planning Board Meeting.)

Voted to recommend approval to the City Council of the proposed Zoning Amendments as presented at the April 21, 2016 Planning Board Meeting.

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B. The application of the **Scott Mitchell, Owner, and Meredith Village Savings Bank, Applicant**, for property located at **2839 Lafayette Road**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer for the demolition of two existing buildings and the construction of a proposed 70' x 46' bank building with drive-thru, with 4,010 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 286 as Lots 18 & 19 and lie within the Gateway (G) District. (This application was continued from the March 17, 2016 Planning Board Meeting.)

Voted to **postpone** to the May 19, 2016 Planning Board Meeting.

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IV. PUBLIC HEARINGS – NEW BUSINESS

A. The request of Maplewood Ridge, LLC, to re-zone 678 Maplewood Avenue and the adjacent vacant parcel from the Single Residence B (SRB) District to the Business (B) District.

Voted to **recommend** that the City Council not rezone the parcels to the Business District.

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B. Proposed Amendment to the Zoning Ordinance establishing a new Transportation Corridor District and amending the Zoning Map to rezone existing railroad right-of-ways to the new district.

Voted to recommend the amendment to the Zoning Ordinance to the City Council.

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C. The application of **Borthwick Forest, LLC, KS Borthwick, LLC, Atlantic Star Communications, HCA Realty, Inc., and Jackson Gray Condominium Association, Owners**, for property located **off Islington Street and Borthwick Avenue**, requesting Preliminary and Final Subdivision Approval as follows:

1. To consolidate the following four lots:
 - a. Lot 25 as shown on Assessor Map 241 having an area of 22.807 ± acres,
 - b. Lot 26 as shown on Assessor Map 241 having an area of 4.927 ± acres,
 - c. Lot 113 as shown on Assessor Map 233 having an area of 13.815 ± acres,
 - d. Lot 112 as shown on Assessor Map 233 having an area of 0.732 ± acre;
 and to re-subdivide the consolidated lot into two new lots and a public right-of-way as follows:
 - a. Proposed Lot “25/26” having an area of 25.572 ± acres and 970.58 ± feet of continuous frontage on a proposed street,
 - b. Proposed Lot “112/113” having an area of 15.262 ± acres and 889.92 ± feet of continuous frontage on a proposed street,
 - c. Proposed municipal land parcel having an area of 0.089 ± acres and 89.93 ± feet of continuous street frontage, and
 - d. Proposed City right-of-way having an area of 1.359 ± acres.
2. For a Lot Line Revision, to create a public right-of-way, as follows:
 - a. Lot 2-2 as shown on Assessor Map 240 decreasing in area from 4.978 ± acres to 4.596± acres with 571.58 feet of continuous frontage on Borthwick Avenue,

- b. Lot 7-4A as shown on Assessor Map 234 decreasing in area from 9.085 ± acres to 8.583 ± acres with 1,127.14 ± feet of continuous frontage on Borthwick Avenue,
 - c. Proposed City right-of-way having an area of 0.833 ± acre.
3. For a Lot Line Revision, to create a public right-of-way, as follows:
- a. Lot 114 as shown on Assessor Map 233 decreasing in area from .404 ± acres to 0.179 ± acre, with 84.64 ± feet of continuous frontage on Islington Street,
 - b. Proposed City right-of-way having an area of 0.225 ± acre.

The application also proposes to relocate and dedicate to the City as public rights-of-way two separate 60-foot rights-of-way across land owned by the Boston & Maine Railroad, which in conjunction with the above subdivision and lot line revisions will result in a new City street between Borthwick Avenue and Islington Street with a total length of 1,826 ± lf and a total right-of-way area of 2.764 ± acres. Said properties are located in the Office Research (OR) District which requires a minimum lot size of 3 acres and 300' of continuous street frontage and Lot 114 as shown on Assessor Map 233 is in the Single Residence B (SRB) District which requires a minimum lot size of 15,000 s.f. and 100' of continuous street frontage.

Voted to **postpone** to the May 19, 2016 Planning Board Meeting.

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D. The application of **HCA Realty, Inc., Owner**, for property located **off Borthwick Avenue**, and **Jackson Gray Condominium Association**, for property located at **330 Borthwick Avenue**,, requesting Site Plan Approval for the reconfiguration of an existing parking area and construction of a roadway, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said properties are shown on Assessor Map 234 as Lot 7-4-A and Assessor Map 240 as Lot 2-2 and lie within the Office Research (OR) District

Voted to **postpone** to the May 19, 2016 Planning Board Meeting.

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E. The application of **2422 Lafayette Road Associates, LLC, Owner**, for property located at **2454 Lafayette Road (Southgate Plaza)**, requesting a Gateway Planned Development Conditional Use Permit for the partial demolition of two existing retail buildings, the construction of a proposed 4-story, 94-unit residential building with a footprint of 28,700 ± s.f. and gross floor area of 112,550 ± s.f., the construction of two 1-story 2,000 ± s.f. restaurants and a 1-story 4,000 ± s.f. restaurant, and reconfiguration of the existing parking area, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 273 as Lot 3 and lies within the Gateway (G) District.

Voted to **grant** a Conditional Use Permit for a Gateway Planned Development for the project as presented to the Board, with any modifications or stipulations required by the Board.

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F. The application of **2422 Lafayette Road Associates, LLC, Owner**, for property located at **2454 Lafayette Road (Southgate Plaza)**, requesting Site Plan Approval for the partial demolition of two existing retail buildings, the construction of a proposed 4-story, 94-unit residential building with a

footprint of 28,700 ± s.f. and gross floor area of 112,550 ± s.f., the construction of two 1-story 2,000 ± s.f. restaurants and a 1-story 4,000 ± s.f. restaurant, and reconfiguration of the existing parking area, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 273 as Lot 3 and lies within the Gateway (G) District.

Voted to **grant** Site Plan Approval with the following modifications and stipulations:

Modifications of standards pursuant to Sec. 10.738.30

1. Section 10.734.20 – Front yard setback from Lafayette Road for existing 151ft setback provided where 90ft maximum is required. (existing nonconforming)
2. Section 10.734.33 – Building height of 51’-7” at 30’ setback from Constitution Avenue right-of-way line, where 45 ft (1.5 x 30 ft) is allowed.
3. Section 10.735.20 – Waiver request from Item (a) where ability to attain the minimum points for LEED-ND Certification (not including prerequisites) is required but not attainable due to plaza’s location and existing conditions. The project meets the requirement for Item (B) as the new residential building is LEED-NC Certifiable.
4. Section 10.736.23.1 – Front parking setback from Constitution Avenue for 10 proposed spaces for the residential building within the 50 ft setback.
5. Section 10.737.11 – Nonresidential buildings shall have one entrance facing every abutting street where the existing commercial buildings do not have all entrances facing a primary street. (existing nonconforming)
6. Section 10.737.12 – Every principal building shall have at least one entrance that does not require passage through an off-street parking lot where the existing commercial buildings require passage through an off-street parking lot. (existing nonconforming)
7. Section 10.737.23 – Building styles for businesses in the Plaza existing on the date of this approval shall not be associated with corporate chains where the existing plaza includes some retail chains. (existing nonconforming). This modification shall not apply to new businesses or buildings constructed after the date of this approval.

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

1. The final drainage design shall be reviewed and approved by DPW.
2. The final design of sewers and water mains shall be approved by the City Engineer.
3. The final fire pump system shall be approved by the City Engineer and the Fire Department.
4. The revised hydrant layout shall be approved by the Deputy Fire Chief.
5. The final design of the electric infrastructure shall be approved by Eversource.
6. The traffic study shall be revised to address new traffic movements and volumes on the Water Country access drive related to the three driveways, including all back-up data.
7. The site plan shall be reviewed for consistency with RSA 289:3 concerning construction within 25 feet of a cemetery. Any required adjustments shall be subject to the approval of the Planning Director.
8. Any utility or access easements necessary to implement the plan shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

- 9. Sheets C-3, C-3A, C-3B, C-16, C-17 and L1.10 (site plans and landscape plans) shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department
- 10. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City’s Legal and Planning Departments.
- 11. The applicant shall agree 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 site.

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

- 12. The applicant shall conduct pre- and post-construction bicycle and pedestrian counts in consultation with the Transportation Planner.

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V. OTHER BUSINESS

- A. Rockingham Planning Commission Membership

Voted to confirm the current member roster and recommend the reappointment of John Ricci and David Moore.

- B. Waterline Easement – Nimble Hill Road, Newington.

Voted to recommend acceptance of the Waterline Easement to the City Council.

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VI. ADJOURNMENT

A motion to adjourn at 11:38 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board