

**ACTION SHEET**

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

**CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

**7:00 P.M.**

**MAY 19, 2016**

**MEMBERS PRESENT:** John Ricci, Chairman; Elizabeth Moreau, Vice Chairman; Rebecca Perkins, City Council Representative; Nancy Colbert-Puff, 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 PM – WORK SESSION ON THE MASTER PLAN** was held

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**I. APPROVAL OF MINUTES**

1. Approval of Minutes from the April 14, 2016 Planning Board Work Session – Unanimously approved.
2. Approval of Minutes from the April 21, 2016 Planning Board Meeting – 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 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 **Thirty Maplewood, LLC, Owner**, for property located at **30-46 Maplewood Avenue**, requesting Preliminary and Final Subdivision Approval.

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

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

2) 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 Amended Site Plan Approval.

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

3) The application of **599 Lafayette, LLC, Owner**, for property located at **599 Lafayette Road**, requesting Site Plan Approval.

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

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**III. PUBLIC HEARINGS – OLD BUSINESS**

A. 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 April 21, 2016 Planning Board Meeting.)

Voted to **postpone** to the June 16, 2016 Planning Board Meeting.

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B. 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. (This application was continued from the April 21, 2016 Planning Board Meeting.)

Voted to **deny** Subdivision approval.

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C. 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. (This application was continued from the April 21, 2016 Planning Board Meeting.)

Voted to **deny** Site Review approval.

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**IV. PUBLIC HEARINGS – NEW BUSINESS**

A. The application of the **City of Portsmouth, Owner**, for property located at **195 Greenleaf Avenue**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer for the reconstruction of an existing parking lot, with 7,725 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 243 as Lot 4 and lies within the Municipal (M) District.

Voted to **grant** your Conditional Use Permit with the stipulation that the Site Plan be stamped by a licensed NH Engineer.

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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 Amended 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. This amendment is to amend construction from two phases, as approved by the Planning Board on September 17, 2015, to three phases. Said properties are shown on Assessor Map 216 as Lots 1-8A and 1-8B and lie within the Office Research (OR) District.

Voted to **grant** amended Site Plan approval subject to the following stipulations:

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

1. The applicant shall contribute \$42,000 to the City for reconstruction of the sidewalk on Portsmouth Boulevard between Commerce Way and Market Street, and \$6,900 toward traffic and pedestrian signal upgrades at the intersection of Market Street and Portsmouth Boulevard.
2. In lieu of requiring a separate water service to the property at 215 Commerce Way, the property owner of 195 Commerce Way shall be responsible for payment of water and sewer fees for both 195 and 215 Commerce Way until such time title to either property is transferred.
3. A recorded deed restriction shall be placed on both 195 and 215 Commerce Way requiring that a separate water service from the water main in Commerce Way directly to the building at 215 Commerce Way shall be installed upon title transfer of either 195 or 215 Commerce Way.
4. As consideration for foregoing immediate installation of a water service to 215 Commerce Way, the property owner shall pay the sum of \$18,653.14, which covers the cost incurred by the City to provide water service.
5. The Site Plan (Sheets C-2A, C-2B, C-2C and C-2D), the Landscape Site Plan (Sheet L-01), and the deed restriction regarding water service shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.
6. The Construction Management and Mitigation Plan shall include specific provisions to address the displacement of required parking spaces during Phase 3 construction.

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

7. The applicant shall videotape construction routes to the project prior to the initiation of site work, and shall be responsible for repairing any damage during construction. The site plan security shall be sufficient to cover any such repair.

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C. The application of **599 Lafayette, LLC, Owner**, for property located at **599 Lafayette Road**, requesting Site Plan Approval for the construction of a 772 s.f. 1-story drive-thru Aroma Joe’s coffee shop, revision of the existing parking and circulation layout, and relocation of dumpsters, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 229 as Lot 8 and lies within the Gateway (G) District.

Voted to **postpone** Site Plan Approval to the June 16, 2016 Planning Board Meeting.

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D. The application of **Thirty Maplewood, LLC, Owner**, for property located at **30-46 Maplewood Avenue**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

1. Proposed lot #1 having an area of 34,887 ± s.f. (0.8009 acres) and 194.56’ of continuous street frontage on Maplewood Avenue, 102.71’ of continuous street frontage on Hanover Street, 313.32’ of continuous frontage on Bridge Street, and 46.61’ of continuous street frontage on Deer Street; and
2. Proposed lot #2 having an area of 21,798 ± s.f. (.5004 acres) and 159.97’ of continuous street frontage on Maplewood Avenue and 147.98’ of continuous street frontage on Deer Street.

Said property is shown on Assessors Map 125 as Lot 2 and is located in the Character District 4 (CD4), Historic District and Downtown Overlay District (DOD). Minimum required lot area is 2,000 s.f.

Voted to **grant** a waiver of Section VI.2.A of the Zoning Ordinance to allow for the proposed lot lines to not be perpendicular or radial to the existing lot lines.

Voted to **grant** Preliminary Subdivision Approval.

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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. Consideration of rezoning options for 678 Maplewood Avenue and the adjacent vacant parcel to allow for the development of affordable housing.

Voted to schedule a Work Session for the next Planning Board Meeting

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

Voted to recommend that the City Council approve the revised Disposition Plan.

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C. Request for waiver of referral and report regarding leases/easements for solar power arrays at Portsmouth High School and the Madbury Water Treatment Plant.

Voted to waive Planning Board referral and report back for the agreements and leases necessary to install a solar array on the rooftop of the Portsmouth High School and a ground array at the Madbury Water Treatment Plant.  
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**VI. OTHER BUSINESS**

A. Proposed amendments to the Zoning Ordinance, Articles 2, 3, 4, 5, 6, 8, 10, 11, 12 and 15, relating to variances, nonconforming buildings and structures, accessory dwelling units, building coverage and yards, residential bulk control and building heights, Historic District exemptions, wetlands protection, off-street parking setbacks, signs and definitions.

Voted to **postpone** to a future Planning Board meeting.

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**VII. ADJOURNMENT**

A motion to adjourn at 11:00 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse  
Acting Secretary for the Planning Board