

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 P.M.

JUNE 16, 2016

MEMBERS PRESENT: John Ricci, Chairman; Elizabeth Moreau, Vice Chairman; 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: Mr. Taintor, Planning Director; Jessa Berna, Associate Planner

MEMBERS ABSENT: Rebecca Perkins, City Council Representative;

6:00 – 7:00 pm WORK SESSION WITH PORTSMOUTH LISTENS ON MASTER PLAN

Presentations by Portsmouth Listens, followed by questions from the Planning Board.

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the May 19, 2016 Planning Board Meeting – Unanimously approved.

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II. DETERMINATIONS OF COMPLETENESS

A. Subdivision:

1) The application of **Natan Aviezri Revocable Trust, Owner, and Debra Klein and Natan Aviezri, Trustees, Applicants**, for property located at **75 Monroe Street**, and **Kathleen M. Toivanen Revocable Trust, Owner, and Kathleen Toivanen, Trustee, Applicant**, for property located at **190 Middle Road**, wherein Preliminary and Final Subdivision (Lot Line Revision) is requested.

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 **Richard P. Fusegni, Owner**, for property located at **201 Kearsarge Way**, 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 **Alden Properties, LLC, Owner**, for property located at **33 Columbia Street and abutting vacant lot**, 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 **Terry Bennett, Owner, and 211 Union Street, LLC, Applicant**, for property located at **211 Union Street**, 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.

3) The application of **Strawbery Banke, Inc., Owner**, for property located on **Washington Street (aka 14 Hancock Street)**, requesting Amended 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 May 16, 2016 Planning Board Meeting.)

Voted to postpone to the July 21, 2016 Planning Board meeting.

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B. 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. (This application was continued from the May 16, 2016 Planning Board Meeting.)

Voted to postpone to the July 21, 2016 Planning Board meeting.

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IV. PUBLIC HEARINGS – NEW BUSINESS

A. The application of **Christian Shore Condominium Association, Owner, and Brian Blanchette, President, Applicant**, for property located at **250 Northwest Street**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the tidal wetland buffer for the restoration of three sections of an existing retaining wall, with 450 ± s.f. of impact to the tidal wetland buffer. Said property is shown on Assessor Map 122 as Lot 4 and lies within the General Residence A (GRA) District.

Voted to postpone to the July 21, 2016 Planning Board meeting.

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B. The application of **Natan Aviezri Revocable Trust, Owner, and Debra Klein and Natan Aviezri, Trustees, Applicants**, for property located at **75 Monroe Street**, and **Kathleen M. Toivanen Revocable Trust, Owner, and Kathleen Toivanen, Trustee, Applicant**, for property located at **190 Middle Road**, wherein Preliminary and Final Subdivision (Lot Line Revision) is requested between two lots as follows:

- a. Map 168, Lot 27 decreasing in area from 22,986 ± s.f. to 22,918 ± s.f. with 85.69’ of continuous street frontage along Middle Road.
- b. Map 168, Lot 21 increasing in area by 68 ± s.f., with 114.8’ of continuous street frontage along Middle Road.

(A variance was granted by the Board of Adjustment on May 17, 2016 for street frontage). Said lots lie within a General Residence A (GRA) District which requires a minimum lot size of 7,500 s.f. and 100’ of continuous street frontage.

Speaking on behalf of the applicant: Henry Boyd, Jr., LLC

- A. Voted to determine that this application for subdivision approval is complete according to the Subdivision Rules and Regulations and accepted it for consideration.
- B. Voted to grant Preliminary and Final Subdivision approval with the following stipulations:
 - 1. The deeds implementing the lot line revision and sewer easement shall be subject to approval by the Legal Department.
 - 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 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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- C. The application of **Richard P. Fusegni, Owner**, for property located at **201 Kearsarge Way**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into three lots as follows:
1. Proposed lot #1 having an area of 18,654 ± s.f. (0.4282 acres) and 152' of continuous street frontage on Birch Street;
 2. Proposed lot #2 having an area of 18,882 ± s.f. (0.4335 acres) and 106' of continuous street frontage on Kearsarge Way; and
 3. Proposed lot #3 having an area of 17,365 ± s.f. (0.3987 acres) and 100' of continuous street frontage on Kearsarge Way.

Said property is shown on Assessors Map 218 as Lot 5 and is located in the Single Residence B (SRB) District where the minimum lot area is 15,000 s.f. and minimum continuous street frontage is 100'.

Speaking on behalf of the applicant: John Chagnon, P. E./LLS

- A. Voted to determine that this application for subdivision approval is complete according to the Subdivision Rules and Regulations and accepted it for consideration.
- B. Voted to find that strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations and, therefore, waived compliance with Sections VI.2.A and VI.2.B of the Subdivision Rules and Regulations, requiring all side lines of lots to be at right angles to straight street lines or radial to curved street lines, and requiring additional lot width for corner lots.
- C. Voted to grant Preliminary and Final Subdivision approval with the following stipulations:

Conditions Precedent (to be completed prior to recording of the plat)

1. The deeds for the new lots shall include the limits of the conservation and drainage easements, as well as the requirements for maintenance, to be reviewed and approved by DPW, the Legal Department and the Planning Director.
2. The existing house shall be removed from the plat.
3. The existing house shall be removed from the site, except that in lieu of physical removal prior to recording, a bond may be posted to assure removal if such is acceptable to the City's Legal Department. (However, the applicant is advised that variances must be obtained prior to recording if the house is to remain on site at the time of recording.)
4. Property monuments shall be set as required by the Department of Public Works.
5. GIS data shall be provided to the Department of Public Works in the form as required by the City.
6. The final plat, the easement for Birch Street crossing Lot 2, and drainage easement deed shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

Conditions Subsequent (to be completed prior to the initiation of any construction)

7. The final water and sewer connection locations and the termination of the existing sewer main shall be approved by DPW.

- 8. The owner shall work with the DPW to determine the appropriate location for underground utilities to ensure a minimum of a 5’ wide sidewalk.
- 9. Driveway permits are required and shall be approved by DPW.

Conditions Subsequent (to be addressed during final design and construction)

- 10. Drywells shall be provided for roof runoff on all three lots unless prevented by ledge.
- 11. Any repairs to the City sidewalks resulting from site development shall be resolved within one day per occurrence.

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D. The application of **Alden Properties, LLC, Owner**, for property located at **33 Columbia Street and abutting vacant lot**, requesting Site Plan Approval to construct a two unit 35’ high residential building with a footprint of 1,921 ± s.f. and gross floor area of 4,620 ± s.f. and a detached 3 bay 25’ high garage with a footprint of 952 ± s.f. and gross floor area of 1,904 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 145 as Lots 41 and 42 and lies within the General Residence C (GRC) District.

Speaking on behalf of the applicant: Colin Dinsmore, P. E.

- A. Voted to determine that the application for Site Plan Review approval is complete according to the Site Plan Review Regulations and accepted the application for consideration.
- B. Voted to grant Site Plan Approval with the following stipulations:
 - 1. A Notice of Voluntary Merger of Contiguous Lots shall be recorded at the Registry of Deeds prior to recording of the site plan.
 - 2. Sheet C2 – Site Layout & Landscape Plan shall label all trees that will remain on the lot.
 - 3. Sheet C2 – Site Layout & Landscape Plan shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.

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E. The application of **Terry Bennett, Owner, and 211 Union Street, LLC, Applicant**, for property located at **211 Union Street**, requesting Site Plan Approval to demolish the existing building and construct an eight unit 32’ high residential building with a footprint of 8,575 ± s.f. and gross floor area of 25,245 ± s.f., including 16 underground parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 135 as Lot 70 and lies within the General Residence C (GRC) District.

Speaking on behalf of the applicant: Timothy Phoenix, Esq.; Alex Ross, P. E., Brendan McNamara, Architect.

- A. Voted to determine that the application for Site Plan Review approval is complete according to the Site Plan Review Regulations and accepted the application for consideration.

- B. Voted to find that a waiver will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Site Plan Review Regulations, and granted a waiver from the Site Plan Review Regulations, Section 3.3.2(3), in order to allow two driveways on the lot.
- C. Voted to grant Site Plan Approval with the following stipulations:

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

- 1. The Site Plan shall include the following notes:
 - 1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
 - 2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.
- 2. The Landscape Plan shall include the following notes:
 - 1. This Site Plan shall be recorded in the Rockingham County Registry of Deeds.
 - 2. All improvements shown on this Site Plan shall be constructed and maintained in accordance with the Plan by the property owner and all future property owners. No changes shall be made to this Site Plan without the express approval of the Portsmouth Planning Director.
 - 3. The property owner and all future property owners shall be responsible for the maintenance, repair and replacement of all required screening and landscape materials.
 - 4. All required plant materials shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. All required fences and walls shall be maintained in good repair.
 - 5. The property owner shall be responsible to remove and replace dead or diseased plant materials immediately with the same type, size and quantity of plant materials as originally installed, unless alternative plantings are requested, justified and approved by the Planning Board or Planning Director.
- 3. The final driveway design shall be subject to approval by the Department of Public Works.
- 4. Driveway permits shall be obtained from the Department of Public Works.
- 5. The final sidewalk design shall be subject to approval by DPW.
- 6. A temporary easement over the new sewer alignment, as shown on the Easement Plan, shall be granted to the City. The easement deed shall be subject to approval by the Planning and Legal Departments and acceptance by the City Council.
- 7. The Site Plan, Landscape Plan, Easement Plan and sewer easement deed shall be recorded at the Registry of Deeds by the City or as determined appropriate by the Planning Department.
- 8. The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.

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

- 9. All work being done in the City right-of-way shall be reviewed and approved by the City and inspected by the City as it is being done.
- 10. The applicant shall make a payment of \$20,000 to the City for the eventual decommissioning of the temporary sewer and site restoration after the new sewer is constructed. No certificate of occupancy shall be issued for any unit until this payment has been made.

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F. The application of **Strawbery Banke, Inc., Owner**, for property located on **Washington Street (aka 14 Hancock Street)**, requesting Amended Site Plan Approval to construct a 49' x 16', 784 s.f. porch over an existing patio attached to the "Tyco Visitor Center" building, a 49' x 16' brick patio, a 33'4" x 10' wood deck and a new brick walkway, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. This new structure is to replace a previously approved temporary structure that was removed after the skating season which was used for ticket sales, skate sharpening and a changing area. Said property is shown on Assessor Map 104 as Lot 7 and lies within the Mixed Residential Office (MRO) District and the Historic District.

Speaking on behalf of the applicant: Joseph Mulledy, P. E.

As a result of said consideration, the Board voted as follows:

- A. Voted to determine that the application for Site Plan Review approval is complete according to the Site Plan Review Regulations and accepted the application for consideration.
- B. Voted to grant Amended Site Plan Approval.

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V. CITY COUNCIL REFERRALS/REQUESTS

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

Voted to postpone to the September 15, 2016 Planning Board Meeting. A neighborhood meeting will be held to discuss land use and zoning issues for this property and the surrounding area.

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B. Request to accept water line easements from Thurken IV, LLC and Sarnia Properties, LLC to serve a minor commercial subdivision off of Route 33.

Voted to recommend that the City Council vote to accept the water line easements.
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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 schedule a work session at 6:00 pm before the July 21, 2016 Planning Board Meeting.

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VII. ADJOURNMENT

A motion to adjourn at 8:40 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board