

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:30 P.M.

SEPTEMBER 15, 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; Colby Gamester; Dexter Legg; and Jody Record, Alternate

ALSO PRESENT: Mr. Taintor, Planning Director;

MEMBERS ABSENT: Jay Leduc

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the August 18, 2016 Planning Board Meeting – The minutes were unanimously approved.

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II. FY 2018-2023 CAPITAL IMPROVEMENT PLAN

A. Informational Presentation on CIP Process and Schedule – A presentation was given by Juliet Walker, Transportation Planner.

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III. DETERMINATIONS OF COMPLETENESS

A. Subdivision:

1. The application of **Public Service Company of New Hampshire, Owner**, for properties located at **280 & 300 Gosling Road**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested.

Voted to determine the application for subdivision approval is complete according to the Subdivision Rules and Regulations and to accept it for consideration.

2. The application of **Branford Holdings, LLC, Owner**, for properties located off **Anne Avenue**, wherein Preliminary and Final Subdivision (Lot Line Revision) is requested between two lots.

Voted to determine the application for subdivision approval is complete according to the Subdivision Rules and Regulations and to accept it for consideration.
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IV. PUBLIC HEARINGS – OLD BUSINESS

A. The application of **Robert J. and Susan L. Nalewajk, Owners**, for property located at **350 Little Harbor Road (previously 50 Martine Cottage Road)**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within an inland wetland and inland wetland buffer for the demolition of a residential structure, detached garage and barn, and the construction of a proposed 4,600 ± s.f. (footprint) residential structure with 3,682 ±s.f. of deck and and porches, a 416 ± s.f. portico, a 1,117 ± s.f. detached 2-bay garage, and a new septic system and stormwater structures, with 28 ± s.f. of impact to the inland wetland and 19,927 ± s.f. of impact to the wetland buffer (7,800 ± temporary disturbance and 12,127 ± permanent disturbance). Said property is shown on Assessor Map 202 as Lot 16 and lies within the Rural (R) District. (This application was acted on at the August 18, 2016 Planning Board meeting and is being reheard to comply with public notice requirements.)

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

1. The stone and brick rubble pile shall be removed.
2. The construction access to the site shall be entirely on the southerly access way.

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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 (GW) District. (This application was continued from the August 18, 2016 Planning Board Meeting.)

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on October 20, 2016.

V. PUBLIC HEARINGS – NEW BUSINESS

A. The application of **Seacoast Trust, LLP, Owner**, and **Stonegate NH Construction, LLC, Applicant**, for property located at **150 Route 1 By-Pass**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer for the demolition of the existing building and the construction of a proposed 246’ x 85’ 3-story multi-family building with a footprint of 17,667 ± s.f. and gross floor area of 53,000 ± s.f., with 24,950 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 231 as Lot 58 and lies within the Single Residence B (SRB) District.

Voted to **postpone** to the next regularly scheduled Planning Board Meeting on October 20, 2016.

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B. The application of **Public Service Company of New Hampshire, Owner**, for properties located at **280 & 300 Gosling Road**, wherein Preliminary and Final Subdivision Approval (Lot Line Revision) is requested between two lots as follows:

- a. Map 214, Lot 2 decreasing in area from 79,367 ± acres to 40,494 ± acres with 135’ of continuous street frontage along Gosling Road.
- b. Map 214, Lot 3 increasing in area from 0.232 ± acres to 39,105 ± acres with 1,568’ of continuous street frontage along Gosling Road.

Said lots lie within the Waterfront Industrial (WI) District which requires a minimum lot size of 2 acres and 200’ of continuous street frontage and Office Research (OR) District which requires a minimum lot size of 3 acres and 300’ of continuous street frontage.

The Board voted as follows:

- A. 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 the Subdivision Rules and Regulations as necessary to accept the plan for consideration.
- B. Voted to grant a partial waiver from the Subdivision Rules and Regulations, Section V., Requirements for Final Plat, Item #8, specifically a waiver from providing the location of wetlands, water courses and soil types.
- C. Voted to **grant** Preliminary and Final Subdivision approval with the following stipulations:
 - 1. The Planning Director is authorized to approve a minor modification in the lot line as stated by the applicant at the public hearing.
 - 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 applicant shall grant the City 50-foot easements for an emergency access way for the Atlantic Heights neighborhood over adjacent property under the same ownership (Assessors Map 213 Lot 11 and Map 214 Lot 1), generally along the alignment shown on Sheet 3 of the subdivision plan, unless the City Manager advises the Planning Director that the easement is no longer required.
 - 5. The final plat, deed and easement 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 **Branford Holdings, LLC, Owner**, for properties located off **Anne Avenue**, wherein Preliminary and Final Subdivision (Lot Line Revision) is requested between two lots as follows:

- c. Map 286, Lot 13 increasing in area from 1.116 acres to 1.390 acres with street frontage along Joan Avenue, Ann Avenue and Robert Avenue.
- d. Map 286, Lot 1A decreasing in area from 25.354 acres to 25.080 acres with no street frontage.

Said lots lie within the Garden Apartment/Mobile Home (GA/MH) District which requires a minimum lot size of 5 acres and no continuous street frontage.

The Board voted as follows:

- A. Voted to determine the application for subdivision approval is complete according to the Subdivision Rules and Regulations and to accept it for consideration.
- B. Voted to **grant** Preliminary and Final Subdivision approval with the following stipulations:
 - 1. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
 - 2. GIS data shall be provided to the Department of Public Works in the form as required by the City.
 - 3. The final plat and deed shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

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VI. PUBLIC HEARING – LAND USE REGULATIONS

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 and design guidelines, wetlands protection, off-street parking setbacks, digital signs, and definitions. The proposed amendments are available for revise in the Planning Department during normal City Hall business hours, and are also posted on the Planning Department website, planportsmouth.com.

Voted to **continue** the public hearing to the next regularly scheduled meeting on October 20, 2016.

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B. Proposed amendments to the Subdivision Rules and Regulations and the Site Plan Review Regulations (1) to require preapplication review for certain major developments; (2) to require that all mylars be pre-approved by the Registry of Deeds before being delivered to the Planning Department for recording; (3) to review the membership of the Technical Advisory Committee; and (4) to provide for administrative approval of minor amendments to approved subdivision plans.

A. Voted to amend the Site Plan Review Regulations as presented.

B. Voted to amend the Subdivision Rules and Regulations as presented.

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VII. 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. (This was postponed from the June 16, 2016 Planning Board Meeting).

Voted to **postpone** to the November 17, 2016 Planning Board Meeting.

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VIII. OTHER BUSINESS

A. Request of 406 Highway 1 Bypass, LLC, Owner, for property located at 406 Route 1 By-Pass, requesting a one year extension of Site Review approval, which was granted on October 15, 2015.

Voted to grant a one year extension of Site Review approval to October 15, 2017.

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VII. ADJOURNMENT

A motion to adjourn at 9:15 pm was made and seconded and passed unanimously.

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Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board