

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:30 P.M.

OCTOBER 20, 2016

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

ALSO PRESENT: Mr. Taintor, Planning Director;

MEMBERS ABSENT: Nancy Colbert-Puff, Deputy City Manager;

.....
6:30 pm Work Session on Conflict of Interest, presented by Robert Sullivan, City Attorney
.....

I. APPROVAL OF MINUTES

1. Approval of Minutes from the Sept 15, 2016 Planning Board Meeting –Approved.
.....

II. PRELIMINARY CONCEPTUAL CONSULTATION

A. The request of **The Foundation for Seacoast Health, Owner**, for property located on **Campus Drive**, for preliminary conceptual consultation review of a proposed subdivision to create two new lots: (1) approximately 50 acres to be conveyed to the City to expand the City’s recycling center, to provide new multi-purpose playing fields, and to protect land for wetlands conservation and passive recreation purposes; and (2) approximately 11 acres to be conveyed to the Hope for Tomorrow Foundation to construct an elementary school and associated facilities.

Presentation by Attorney Peter Loughlin and Eric Weinrieb, of Altus Engineering.
.....

B. The request of **Deer Street Associates, Owner**, for property located at **165 Deer Street and 181 Hill Street**, for preliminary conceptual consultation review of proposals to construct three mixed-use buildings fronting on Deer Street and a fourth mixed-use building fronting on a future public street off Bridge Street to be created in association with the City’s new parking garage.

Presentation by Tracy Kozak and Mark Moeller, of JSA Architect.
.....

III. PUBLIC HEARINGS – OLD BUSINESS

A. 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 September 15, 2016 Planning Board Meeting.)

Voted to **deny** for the following reasons:

- The traffic circulation and safety concerns raised by the abutter in May have not been resolved to the satisfaction of the Board; and the revised plan submitted to the Board this month has not been formally reviewed by the Technical Advisory Committee.
- The applicant has not demonstrated to the satisfaction of the Board that the plan meets all evaluation criteria (Section 2.9 of the Site Plan Review Regulations), including:
 - Provision for the safe development, change or expansion of use of the site;
 - Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion; and
 - Adequate layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets accessways, bicycle paths and sidewalks.

.....

B. 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. (This application was continued from the September 15, 2016 Planning Board Meeting.)

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

IV PUBLIC HEARINGS – NEW BUSINESS

A. The application of **Foundation for Seacoast Health, Owner**, for property located on **Campus Drive**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland wetland and wetland buffer to pave an existing 320’ sidewalk (290’ of which is in the wetland buffer) extending from the parking lot near the tennis courts to the Community Campus building, to construct associated drainage swales, and to install two 12” culverts, with 240 ± s.f. of impact to the wetland and 2,130 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 266 as Lot 4 and lies within the Industrial (I) District.

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

1. The plan shall be amended to include construction details for the stormwater treatment swales and the culverts. The culverts shall be embedded into the ground at least two inches under the soil to provide a natural surface for passage by amphibians and reptiles. The construction details shall be subject to review and approval by the Environmental Planner.
2. The applicant shall provide a winter maintenance plan for the path that avoids or minimizes the use of sodium chloride subject to review and approval by the Environmental Planner.
3. The applicant shall install erosion control measures during construction to protect the adjacent wetland areas.

.....

B. The application of **Alden Watson Properties, LLC, Owner**, for property located at **56 Lois Street**, requesting a Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer for the construction of a single family home with access driveway, with 27,581 ± s.f. of impact to the wetland buffer, and for the construction of an extension of Lois Street with 5,161 ± s.f. of impact to the wetland buffer. A Subdivision Application for said property is currently on file with the Planning Department and includes the extension of Lois Street. Said property is shown on Assessor Map 232 as Lot 8 and lies within the Single Residence B (SRB) District.

Voted to **deny** Conditional Use Permit for the following reasons:

- The land is not reasonably suited to place a house where there is so much wetland and wetland activity.
- There is an alternative location outside the wetland buffer that is feasible and reasonable for the proposed use but the lot already has a house on it.
- There will be a tremendous amount of adverse impact on the wetland function and values of the site.
- The proposal is not the alternative with the least adverse impact to areas and environments as this half of the lot does not offer the ability to put a house on it and a better use would be green space.

.....

V. PUBLIC HEARING – LAND USE REGULATIONS

*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. 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 review in the Planning Department during normal City Hall business hours, and are also posted on the Planning Department website, planportsmouth.com. (This matter was continued from the September 15, 2016 Planning Board Meeting.)

Voted to adopt the proposed amendments dated 10/20/2016 with the exception of Item A, relating to the bulk control plane, and #8 on page 22, relating to exempting small conditional use permits of less than 100 s.f..

.....
VI. 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. Request for waiver of referral of the acquisition of a portion of 150 Greenleaf Avenue by eminent domain.

Voted to waive City Council referral of the acquisition of 4.6 acres or less of land located at 150 Greenleaf Avenue by eminent domain or negotiated agreement.

.....
B. Request for waiver of referral regarding the acquisition of two parcels of land and two drainage easements and conveyance of one parcel of land on Commerce Way, in connection with the Commerce Way Conditional Road Layout and Betterment Assessment.

Voted to waive City Council referral of the following conveyances in connection with the Commerce Way Conditional Road Layout, as shown on a plan titled "Right of Way & Easement Plan Affecting Lands of Commerce Way LLC, Arnold Katz & Blair Finnegan, and Commerce Center at Portsmouth, Situated on Commerce Way, Portsmouth, New Hampshire", recorded in the Rockingham County Registry of Deeds as Plan D-38901:

- (1) Acquisition of a parcel of land containing 672 sq. ft. on the inside curve of Commerce Way (recorded at Book 5631 Page 1051);
- (2) Acquisition of a parcel of land at the intersection of Commerce Way and Woodbury Avenue (recorded at Book 5722 Page 0322);
- (3) Acquisition of two drainage easements containing 6,685 sq. ft. and 892 sq. ft. (recorded at Book 5631 Page 1057 and Book 5631 Page 1054)
- (4) Conveyance to 135 Commerce Way, LLC of a parcel of land containing 9,933 sq. ft. on the outside curve of Commerce Way.

.....
C. Request of Northern Utilities, Inc. d/b/a Unital for an easement across land owned by the City at 1 Franklin Drive (New Franklin School).

Voted to recommend that the City Council approve an easement over the City property at 1 Franklin Drive (New Franklin School) to Northern Utilities, Inc. d/b/a Unital.
.....

D. Proposed acquisition of property at 850 Banfield Road from George Elliott.

Voted to recommend that the City Council approve the acquisition of the property at 850 Banfield Road.

.....

VII. OTHER BUSINESS

A. Appointment of CIP Sub-Committee.

Appointed Chairman John Ricci, Dexter Legg and Jody Record

.....

VIII. ADJOURNMENT

A motion to adjourn at 10:15 pm was made and seconded and passed unanimously.

.....

Respectfully submitted,

Jane M. Shouse
Acting Secretary for the Planning Board