

**ACTION SHEET**  
**PLANNING BOARD**  
**PORTSMOUTH, NEW HAMPSHIRE**

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

**6:30 P.M.**

**FEBRUARY 16, 2017**

**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; Jay Leduc; Dexter Legg; Jeffrey Kisiel, Alternate

**ALSO PRESENT:** Mr. Taintor, Planning Director

**MEMBERS ABSENT:** Jody Record, Jane Begala, Alternate

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**I. ELECTION OF OFFICERS**

It was moved, seconded, and passed unanimously to elect Dexter Legg as Chairman and Beth Moreau as Vice Chairman for the upcoming year.

**II. APPROVAL OF MINUTES**

- A. Approval of Minutes from the January 12, 2017 Planning Board Work Session.
- B. Approval of Minutes from the January 19, 2017 Planning Board Meeting.
- C. Approval of Minutes from the January 26, 2017 Planning Board Work Session.

It was moved, seconded, and passed unanimously to approve all three sets of minutes as presented.

**III. PRELIMINARY CONCEPTUAL CONSULTATION**

- A. Request for Preliminary Conceptual Consultation for Borthwick Forest property.  
(Joint meeting with the Conservation Commission)

A joint work session was held to discuss the above referenced property. No action was required.

**IV. MASTER PLAN**

- A. Public hearing on the Portsmouth 2025 Master Plan.

It was moved, seconded, and passed unanimously to amend Action # 2.1.1 to read as follows:

2.1.1 – Implement standards and guidelines to protect community character and assets, including factors such as mass, scale and resilience.

and to adopt the Portsmouth 2025 Master Plan with that amendment.

## V. DETERMINATIONS OF COMPLETENESS

### A. Site Plan Review

1. The application of **City of Portsmouth, Owner**, for property located at **305 Greenland Road**, requesting Site Plan Approval.

It was moved, seconded, and passed unanimously to accept the application as complete.

2. The application of **Merton Alan Investments, LLC, Owner**, and **Robert Graham, Agent/Applicant**, for property located at **30 Cate Street**.

It was moved, seconded, and passed unanimously to accept the application as complete.

## VI. PUBLIC HEARINGS – NEW BUSINESS

*The Board's action in these matters has been deemed to be quasi-judicial 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. The application of **City of Portsmouth, Owner**, for property located at **305 Greenland Road**, requesting Site Plan Approval for the construction of a recreational field and future multi-use path and trail head, with related paving, landscaping, drainage and associated site improvement. Said property is shown on Assessor Map 241, Lot 18 and lies within the Municipal (M) District.

At the applicant's request, the Planning Board voted to postpone the application indefinitely.

B. The application of **One Way Realty, LLC, Owner**, and **406 Highway 1 By-Pass, LLC, Applicant**, for property located at **406 Route 1 Bypass**, requesting an Amended Conditional Use Permit for a Gateway Planned Development consisting of a new 3-story building containing a brewery and restaurant. Said property is shown on Assessor Map 172 as Lot 2 and lies within the Gateway (GW) District. (The Planning Board granted the Conditional Use Permit, subject to the stipulations of Site Plan approval, on October 15, 2015.)

The Board **granted** Amended Conditional Use Permit Approval subject to the stipulations of Site Plan Approval.

C. The application of **Liberty Mutual Group, Owner**, for property located at **225 Borthwick Avenue**, requesting an Amended Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within an inland wetland buffer including 1,207± s.f. of permanent impact to construct a 106 ± s.f. gravel sidewalk as an extension to a previously approved gravel sidewalk, a 158 ± s.f. concrete pad for cooling fans and 943 ± s.f. of new stone dust for areas within the generator pad enclosure. Said property is shown on Assessor Plan 240 as Lot 1 and lies within the Office Research (OR) District. (Conditional Use Permit Approval was previously granted by the Planning Board on March 15, 2012 and March 19, 2015.)

The Board **granted** Amended Conditional Use Permit Approval as presented.

D. The application of **Merton Alan Investments, LLC, Owner**, and **Robert Graham, Agent/Applicant**, for property located at **30 Cate Street**, requesting Site Plan Approval to construct a 26-unit residential townhouse development consisting of five 45'-tall buildings, ranging in size from 40' x 40' to 40' x 198', with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 165 as Lot 19 and lies within Character District 4–West End (CD4-W).

A. The Board voted to determine that the application for site plan approval is complete according to the Site Plan Review Regulations and to accept it for consideration.

B. The Board voted to **grant** Site Plan approval with the following stipulation:

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

1. The Landscape Plan shall include the following notes as required by the Site Plan Review Regulations:
  1. The property owner and all future property owners shall be responsible for the maintenance, repair and replacement of all required screening and landscape materials.
  2. 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.
  3. 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.”
2. Utility Note #37 on Sheet C-5 should be re-worded as follows:

“Final review of all utilities shall be made during the required sewer, water and drainage permit processes in coordination with DPW.”
3. A note shall be added to the Sheet C-5 to indicate that the stormwater design will comply with the City’s MS4 Permit and that the project will require filing a Notice of Intent with the EPA for coverage under the Construction General Permit.

4. A construction plan for the installation of manhole PSMH1 shall be submitted to and approved by DPW.
5. The applicant shall confirm with DPW the appropriate pipe size and type and manhole size for the connection to the existing drainage system on Bartlett Street.
6. The applicant shall work with the Department of Public Works on the final redesign of Cate Street and on an appropriate sharing of costs for the work (or shall do the work in conjunction with the proposed project).
7. The applicant shall enter into a Memorandum of Agreement with the City regarding land transfers and easements necessary to implement the proposed site plan and roadway improvements, and cost sharing for the improvements to Cate Street.
8. The applicant shall prepare land transfer and easement plans showing the final delineation of land transfers and easements, which shall be subject to approval by the Planning and Public Works Departments.
9. The Site Plan and Landscape Plan (Sheets C-2 and C-6) and land transfer and easement plans and deeds 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.

## 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. The request of **The Owen Spinney Trust** to restore involuntarily merged lots at **630 Middle Road and Sylvester Street** to their premerger status.

The Board voted unanimously to restore the involuntarily merged lots.

- B. The request of **J. Bradley and Sarah Honeyman** to release portions of two paper streets (Moffat Street and Woodworth Avenue) where they abut parcels at 26 Moffat Street (Map 243 Lot 69) and on Swett Avenue (Map 243 Lot 23).

The Board voted unanimously to release portions of the two paper streets.

## VIII. OTHER BUSINESS

## IX. ADJOURNMENT

At 8:28 p.m., it was moved, seconded and passed unanimously to adjourn the meeting.

Respectfully submitted,

Liz Good  
Planning Department Administrative Clerk