

**ACTION SHEET  
REVISED (03-22-17)**

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

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

**7:00 P.M.**

**MARCH 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; Jody Record; Dexter Legg; Jeffrey Kisiel, Jane Begala, Alternates

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

**MEMBERS ABSENT:** Jay Leduc

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**I. APPROVAL OF MINUTES**

- A. Approval of Minutes from the February 16, 2017 Planning Board meeting.  
The Approval of Minutes was postponed to the April 20, 2017 meeting.

**II. DETERMINATIONS OF COMPLETENESS**

- A. Site Plan Review
1. The application of **Hope for Tomorrow Foundation, Owner**, for property located at **315 Banfield Road**.
  2. The application of **Old Tex Mex, LLC, Owner**, for property located at **3510 Lafayette Road**.

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

**III. REQUEST FOR DESIGN REVIEW**

- A. The request of **299 Vaughan Street, LLC, and Sanel Realty Co., Inc., Owners**, and **299 Vaughan Street, LLC c/o Cathartes, Applicant**, for property located at **299 and 225 Vaughan Street and off Vaughan Street**, for design review under the Site Plan Review Regulations for the construction of a hotel with 143 guest rooms and 2,500± s.f. of commercial space, a 43,325± s.f. public park along the North Mill Pond waterfront (to be constructed in two phases), and a 2,869± s.f. public path from Vaughan Street to the waterfront park. Said properties

are shown on Assessors Map 123 as Lot 15 and Assessors Map 124 as Lots 10 and 11, and lie within Character District 5 (CD5), the North End Incentive Overlay District, the Downtown Overlay District (DOD) and the Historic District.

The Board voted to determine that the request for Design Review includes sufficient information to allow the Board to understand the project and identify potential issues and concerns, and to accept the request for Design Review and schedule a public hearing for the Planning Board meeting on April 20, 2017.

#### IV. 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. Request to name a new city street to be constructed between Bridge Street and Rock Street, providing access to the new municipal parking garage. The Parking Garage Building Committee has proposed three names for consideration: Depot, Foundry and Creek. Other names may also be considered.

The Board voted to accept the name of Foundry Place as the name for the new city street to be construction between Bridge Street and Rock Street.

B. Petition of **393 New Castle Avenue, LLC, owner**, for property located at **390 New Castle Avenue**, requesting Conditional Use Permit approval for work within a tidal wetland buffer including  $437 \pm$  s.f. of temporary impact and  $133 \pm$  s.f. of permanent impact to raise the elevation of the existing main structure, pour a concrete slab within the existing garage, close openings in the foundations of the main structure and garage, remove a portion of the gravel parking area, and add landscape improvements. Said property is shown on Assessor Plan 207 as Lot 6 and lies within the Single Residence B (SRB) District and the Historic District.

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

C. Petition of **Hope for Tomorrow Foundation and Foundation for Seacoast Health, owners**, and **Hope for Tomorrow Foundation, applicant**, for property located at **315 Banfield Road** and **100 Campus Drive**, requesting Conditional Use Permit approval for work within an inland wetland buffer including  $15,200 \pm$  s.f. of permanent impact to construct sewer service through an existing nature trail. Said properties are shown on Assessor Plan 266 as Lots 4 & 5 and lie within the Industrial (I) District.

The Board voted to **grant** Conditional Use Permit Approval subject to the following stipulations:

1. The site engineer shall provide construction oversight with routine inspections to ensure (a) that the grading is undertaken as shown on the plans, (b) that there are no additional wetland or wetland buffer impacts beyond those shown on the plans, and (c) that the

clearing of vegetation is minimized and no more than shown on the plans. If any work is done beyond the limits shown on the plan, the site engineer shall make a report to the Planning Department and shall remediate the impact as directed or approved by the Environmental Planner.

2. Invasive species on the site will be shown on a plan prior to construction and an invasive species inventory shall be conducted one year post construction to insure that invasive species were not spread during construction. Results of this inventory shall be provided to the Environmental Planner and a plan to remove newly established invasive vegetation shall be provided if necessary.

D. The application of **Hope for Tomorrow Foundation, Owner**, for property located at **315 Banfield Road**, requesting Site Plan Approval for the construction of a 200-student private elementary school with a footprint of 24,150 ± s.f. and gross floor area of 28,000 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 266 as Lot 5 and lies within the Industrial (I) District.

The Board voted as follows:

- A. To **waive** compliance with Section 2.9(1) of the Site Plan Review Requirements with respect to compliance with Section 10.1113.20 of the Zoning Ordinance regarding the location of off-street parking spaces, and to make the Board's action contingent on the applicant obtaining the necessary variance(s) for parking compliance.
- B. To **grant** Site Plan Approval with the following stipulations:

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

1. The applicant shall apply for and receive the required relief from the Zoning Board of Adjustment to allow parking to be located in front of the principal building.
2. The Existing Conditions plan (Sheets 1 of 3 through 3 of 3) shall be stamped by a NH licensed civil engineer (or surveyor) and a NH certified wetland scientist.
3. On Sheets C-1 and C-2, the one-way driveway between the median and the front of the school will be changed to show traffic traveling in a westerly direction (toward the 22-space parking lot).
4. Sheets C-1 through C-7 shall be amended by removing all existing conditions that are not proposed to remain. (Examples include the stone walls to be removed, tree lines to be modified, and subsurface "rocks & metal debris").
5. The Landscape Plan (Sheet LS-101) shall be stamped by a NH licensed civil engineer or registered landscape architect, and the words "not for construction" shall be removed.
6. The Landscape Plan (Sheet LS-101) shall include the following additional notes:
  - "1. This Landscape Plan shall be recorded in the Rockingham County Registry of Deeds.

2. All improvements shown on this 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 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.”
7. The location of the shielded lights shall be shown on the Lighting Plan (Electrical Site Plan, Sheet ES101) and appropriate details and specifications shall be added to the plan set.
8. The off-site roadway improvements to Banfield Road, including construction of a left-turn lane (if warranted) and provision of adequate sight distances, shall be reviewed and approved by Department of Public Works (DPW) and the Planning Department, and a sheet documenting the required improvements shall be added to the plan set. In addition, notes shall be added to Sheets C-1 and C-2 regarding ongoing maintenance of sight lines.
9. The following items are subject to review and approval by the Department of Public Works:
  - (a) The sanitary pump station calculations;
  - (b) The sewer design and sewer permit;
  - (c) The design of the driveway culvert;
  - (d) The drainage analysis of runoff towards the neighbors’ property.
10. The applicant shall prepare an easement plan showing the initial location of the public bicycle/pedestrian connection between Banfield Road and the land to be acquired by the City from the Foundation for Seacoast Health, and shall execute an easement deed to the City. The City will hold the easement deed and will not record it provided that an alternative location for the easement is designed in consultation with the Planning Department and conveyed to the City prior to issuance of a Certificate of Occupancy as described in stipulation #13 below.
11. The Site Plans (Sheets GN-1, C-1 and C-2), Landscape Plans (Sheets LS-101 and L-501) and easement plan and deed for the sewer line shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

Conditions Subsequent (to be completed prior to the issuance of a Certificate of Occupancy):

12. The off-site roadway improvements to Banfield Road shall be completed as approved by the City.
13. The applicant, in consultation with the Planning Department, shall design the final location of the public pedestrian/bicycle connection between Banfield Road and the land to be acquired by the City from the Foundation for Seacoast Health. The applicant shall provide an easement to the City for public (non-vehicular) access across the site to implement the proposed path, and shall prepare a deed and plan for the easement, which shall be recorded at the Registry of Deeds by the City. Upon recording of the final easement, the initial easement described in stipulation #10 will be released.

E. The application of **Old Tex Mex, LLC, Owner**, for property located at **3510 Lafayette Road**, requesting Site Plan Approval for the conversion of an existing office/warehouse building to 24 dwelling units with a footprint of 13,250 ± s.f. and gross floor area of 27,135 ± s.f., and to retain the existing single-family dwelling with a footprint of 1,087 ± s.f. and gross floor area of 2,174 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 297 as Lot 8 and lies within the Gateway (GW) District.

The Board voted to **grant** Site Plan Approval subject to the following stipulations:

1. A workforce housing covenant shall be provided for review and approval by the Legal Department.
2. The Existing Conditions Plan shall be stamped by a NH licensed wetland scientist.
3. The Site Plan, Landscape Plans and workforce housing covenants shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

F. The application of **Mark McNally, Owner**, for property located at **21 Brewster Street**, requesting Site Plan Approval for the conversion of a former boarding house to 6 dwelling units with a footprint of 4,167 ± s.f. and gross floor area of 11,742 ± s.f., and the construction of a 6-bay attached garage with a footprint of 1,430 ± s.f. with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 138 as Lot 11 and lies within the General Residence C (GRC) District.

At the applicant's request, this matter was postponed to the April 20, 2017 meeting.

## VI. ADJOURNMENT

At 9:20 p.m., it was moved, seconded, and passed unanimously to adjourn the meeting.

Respectfully submitted,

Liz Good  
Planning Department Administrative Clerk