

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

6:30 PM

AUGUST 17, 2017

MEMBERS PRESENT: Dexter Legg, 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, Jeffrey Kisiel; and Jane Begala, Alternate; Corey Clark, Alternate

ALSO PRESENT: Juliet T. H. Walker, Planning Director

MEMBERS ABSENT: Jay Leduc

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6:30 pm - WORK SESSION on Gateway Mixed Use Zoning Amendments

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I. APPROVAL OF MINUTES

- 1. Approval of Minutes from the July 20, 2017 Planning Board Meeting;
- 2. Approval of Minutes from the July 27, 2017 Planning Board Work Session;

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

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II. DETERMINATIONS OF COMPLETENESS

A. SITE REVIEW

- 1. The application of **Deer Street Associates, Owner**, for property located at **165 Deer Street**, ("Lots 2 & 3").

Voted to determine that the application for Site Plan approval is complete according to the Site Plan Regulations and to accept it for consideration.

B. SUBDIVISION

1. The application of **Andrew F. Cotrupi and Jennifer B. Cotrupi, Owners**, for property located at **137 Wibird Street**.

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

2. The application of **Society for the Preservation of New England Antiquities, Inc., Owner**, for property located at **364 Middle Street**, and the **C. Sue Mautz 2008 Trust, Owner, C. Sue Mautz, Trustee**, for property located at **338 Middle Street**.

Acknowledged the Planning Department’s request to withdraw the application. No further action was taken by the Board.

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III. PUBLIC HEARINGS – OLD BUSINESS

A. The application of **Steven H. Lee, Owner**, for property located at **174 Dodge Avenue**, requesting Conditional Use Permit approval to create a two-story 1,000 ± s.f. garden cottage in an existing building, with associated paving, lighting, and utilities. Said property is shown on Assessor Map 258 as Lot 43 and lies within the Single Residence B (SRB) District.

- 1. Voted to find that the application satisfies the requirements of 10.815.40.
- 2. Voted to grant the conditional use permit as presented, with the following stipulations:
 - 1. The garden cottage shall be partitioned to have a maximum gross floor area of 600 sq. ft. as allowed per the standards of the Zoning Ordinance.
 - 2. In accordance with Sec. 10.815.50 of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with all standards of Sec. 10.815, including the owner-occupancy requirement, and shall renew the certificate of use annually.
 - 3. The applicant shall provide documentation that the property has adequate septic capacity for the accessory dwelling unit and that appropriate state permits have been secured.

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B. The application of **Merton Alan Investments, LLC, Owner**, for property located at **30 Cate Street**, requesting Amended Site Plan Approval to remove the 10 foot wide walkthroughs in the center of the two 8-unit buildings and move the units together; to provide a 20 foot wide separation between the 6-unit building to create two 3-unit buildings; and the revision of grading and utilities to accommodate the new building locations. Said property is shown on Assessors Map 165 as Lot 1 and lie within Character District 4-W (CD-4W).

Application withdrawn.

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IV. PUBLIC HEARINGS – NEW BUSINESS

A. The application of **Andrew F. Cotrupi and Jennifer B. Cotrupi, Owners**, for property located at **137 Wibird Street**, requesting Preliminary and Final Subdivision Approval to subdivide one lot into two lots as follows:

Proposed lot A having an area of 7,770 ± s.f. (0.18 acres) and 76’ of continuous street frontage on Wibird Street.100’ of continuous street frontage on Lincoln Avenue; and

Proposed lot B having an area of 7,525 ± s.f. (0.17 acres) and 58.85’ of continuous street frontage on Lincoln Avenue.

Said property is shown on Assessor Map 134 as Lot 48 and lies within the General Residence A (GRA) District where the minimum lot area is 7,500 s.f. and the minimum continuous street frontage is 100’. (The Board of Adjustment granted a variance on August 16, 2016 to allow proposed Lot B to have 58.85 s.f. of continuous street frontage and to contain an accessory structure as a principal use.)

1. 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, to waive compliance with Section VI.2.B of the Subdivision Rules and Regulations requiring all lot dimensions to comply with the requirements of the Zoning Ordinance.
2. Voted to grant Preliminary and Final Subdivision Approval with the following stipulations:
 1. Lot numbers as determined by the Assessor shall be added to the final plat.
 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 Site Plan shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
 5. The applicant shall apply for a driveway permit for the proposed new driveway.

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B. The application of **Society for the Preservation of New England Antiquities, Inc., Owner**, for property located at **364 Middle Street**, and the **C. Sue Mautz 2008 Trust, Owner, C. Sue Mautz, Trustee**, for property located at **338 Middle Street**, requesting Preliminary and Final Subdivision Approval (Lot Line Revision) between two lots as follows:

(1) Map 136, Lot 22 decreasing in area from 81,454 ± s.f. (1.87 acres) to 80,717 ±.f. (1.8530 acres) with 211.91’ of continuous street frontage on Middle Street.

(2) Map 136, Lot 23 increasing in area from 5,958 ± s.f. (0.1368 acres) to 6,695 ± s.f. (0.1537 acres) with 66.9’ of continuous street frontage on Middle Street.

Said lots lie within the Mixed Residential Office (MRO) District where the minimum lot area is 7,500 s.f. and the minimum continuous street frontage is 100’, and the Historic District.

Acknowledged the Planning Department’s request to withdraw the application. No further action was taken by the Board.

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C. The application of **Karona, LLC, Owner**, for property located at **36 Artwill Avenue**, requesting Conditional Use Permit approval to create a one-bedroom 1,096 ± s.f. detached accessory dwelling unit on the second story of an existing (unfinished) garage, with associated paving, lighting, and utilities. Said property is shown on Assessor Map 229 as Lot 4 and lies within the Single Residence B (SRB) District.

1. Voted to find that the application does not satisfy the requirements of 10.814.60.
2. Voted to **deny** the conditional use permit as presented.

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D. The application of **Cristin Pugliese, Owner**, for property located at **5 Buckminster Way**, requesting Conditional Use Permit approval to create a two-story, two-bedroom 1,083 ± s.f. attached accessory dwelling unit in an existing building, with associated paving, lighting, and utilities. Said property is shown on Assessor Map 282 as Lot 6-23 and lies within the Single Residence A (SRA) District.

Voted to **postpone** until such a time as the Planning Department determines that this application satisfies the submission requirements and is ready for review by the Planning Board.

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E. The application of **Goodman Family Real Estate Trust, Owner, and Aroma Joe’s Coffee, Applicant**, for property located at **1850 Woodbury Avenue**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 785 ± s.f. restaurant/take-out building and 195 ± s.f. attached patio, with drive thru service and a walk –up window, with 6,870 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 239 as Lot 9 and lies within the General Business (BD) District.

Voted to **postpone** to the next regularly scheduled Planning Board meeting on September 21, 2017.

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F. The application of **Deer Street Associates, Owner**, for property located at **165 Deer Street**, (“Lots 2 & 3”), requesting Site Plan Approval for creation of a temporary parking lot having 73 standard parking spaces and 3 handicap accessible parking spaces, with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 125 as Lots 17 and 17-1 and lies within the within the CD5 District and the Downtown Overlay District (DOD).

1. 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 to waive the following regulations:
 - 1) Section 2.5.3 2(b):
 - Calculations relating to stormwater runoff;
 - Information on composition and quantity of water demand and wastewater generated;

- Information on air, water or land pollutants to be discharged, including standards, quantity, treatment and/or controls;
- Estimates of traffic generation and counts pre- and post-construction;
- Estimates of noise generation;
- A Stormwater Management and Erosion Control Plan;
- Endangered species and archaeological / historical studies;
- Wetland and water body (coastal and inland) delineations;
- Environmental impact studies.

2) Section 2.5.4 3:

- (i) Stormwater Management
- (j) Outdoor Lighting
- (k) Landscaping

2. Voted to **grant** Site Plan Approval with the following stipulations:

- 1) The temporary parking lot shall be in operation for no longer than 27 months from the date of the Planning Board approval.
- 2) The Site Plan (Sheet C2) shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
- 2) The plan sheet(s) submitted for recording 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.”

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V. ADJOURNMENT

It was moved, seconded, and passed unanimously to adjourn the meeting at 9:50 p.m.

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Respectfully Submitted,

Jane M. Shouse
Administrative Assistant