

ACTION SHEET

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

6:30 PM

NOVEMBER 16, 2017

MEMBERS PRESENT: Dexter Legg, Chairman; Elizabeth Moreau, Vice Chairman; Nancy Colbert-Puff, Deputy City Manager; David Moore, Assistant City Manager; Colby Gamester; Jay Leduc; Jody Record; Jeffrey Kisiel; Jane Begala, Alternate and Corey Clark, Alternate

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

MEMBERS ABSENT: Rebecca Perkins, City Council Representative.

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I. APPROVAL OF MINUTES

1. Approval of Minutes from the October 19, 2017 Planning Board Meeting – Unanimously approved.

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II. DETERMINATIONS OF COMPLETENESS

Site Review:

A. The application of **Pamela Thatcher, Owner**, and **Charlie Seefried, Applicant**, for property located at **180 Middle Street**, requesting Site Plan Approval

Voted to determine that the application is complete according to the Site Plan Review Regulations and to accept the application for consideration.
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II. PUBLIC HEARINGS – OLD BUSINESS

A. 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. (This application was postponed at the October 19, 2017 Planning Board Meeting).

Voted to **postpone** to the December 21, 2017 Planning Board Meeting.

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B. The application of **James A. Mulvey Revocable Living Trust, Robert J. Bossie Revocable Trust and Peter Brown Living Trust, Owners**, for property located at **150 Spaulding Turnpike**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to remove two buildings, remove pavement and replace with pervious and impervious pavement, for a truck sales outlet with vehicle storage, with 2,570 ± s.f. of permanent impact to the wetland buffer. Said properties are shown on Assessor Map 236 as Lots 34, 35 & 36 and lie within the General Business (GB) District. (This application was postponed at the October 19, 2017 Planning Board Meeting).

Voted to **postpone** to the December 21, 2017 Planning Board Meeting.

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C. The application of **Borthwick Forest, LLC, and KS Borthwick, LLC, Owners, and Borthwick Forest, LLC, Applicant**, for property located **on proposed subdivision road to be created off Borthwick Avenue**, requesting Amended Site Plan Approval to increase the height of the proposed office building (footprint of 16,700 ± s.f.) from 3 stories to 4 stories (gross floor area of 66,800 ± s.f.), with related paving, lighting, utilities, landscaping, drainage, multi-use path and associated site improvements. (Original Site Review approval was granted by the Planning Board on May 18, 2017). Said properties are shown on Assessor Map 241 as Lots 25 & 26 and Assessor Map 233 as Lots 112, 113, & 114 and lie within the Office Research (OR) and the Single Residence B (SRB) Districts. (This application was postponed at the October 19, 2017 Planning Board Meeting).

Voted to **postpone** to the December 21, 2017 Planning Board Meeting.

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D. The application of **Deer Street Associates, Owner**, for property located at **181 Hill Street**, (“Lot 6”), requesting Site Plan Approval for the construction of a 4-story mixed use building with a penthouse (including interior parking garages on two levels, retail space on the ground floor, office space on the first floor and 43 residential units on the second, third, fourth and penthouse floors) with a footprint of 12,574 ± s.f. and gross floor area of 81,498 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 138 as Lot 62 and lies within the CD5 District. (This application was postponed at the October 19, 2017 Planning Board Meeting).

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

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

Any geohydrologic studies undertaken by the applicant to evaluate groundwater flow, shall require third party peer review, to be coordinated with DPW. Based on the results of the peer review, any permanent foundation dewatering system discharges to City’s drainage system may require a storm drain permit and a capacity use surcharge.

The construction groundwater dewatering discharge shall require a temporary dewatering discharge permit. DPW shall determine if the groundwater needs to be sampled/tested for both the temporary and permanent connection to the City’s drainage system to determine if any treatment is required prior to discharge

The site plan and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City’s Legal and Planning Departments.

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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. The application of **Gregory C. and Sandra M. Desisto, Owners**, for property located at **36 Shaw Road**, requesting Amended Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland and tidal wetland buffers to eliminate gutters and one catch basin, relocate a manhole and eliminate the pervious paver parking area, with a 396 ± s.f. reduction of permanent impact and 35 ± s.f. of temporary impact to the wetland buffer. Said property is shown on Assessor Map 223 as Lot 22 and lies within the Single Residence B (SRB) District. (Conditional Use Permit approval was granted on September 17, 2015 and Amended Conditional Use Permit approval was granted on January 19, 2017 by the Planning Board.)

Voted to **postpone** to the December 21, 2017 Planning Board Meeting.

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B. The application of **Carolyn McCombe, Trustee; Elizabeth Barker Berdge, Trustee; and Tim Barker, Owners**, for property located on **Martine Cottage Road**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a 1,936 ± s.f. single family home and a 1,200 ± s.f. detached barn, with a 22’ x 52’ paved parking area and a 25’ x 5’ rain garden, with 23,125 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 202 as Lot 149 and lies within the Rural (R) District.

Voted to **postpone** to the December 21, 2017 Planning Board Meeting.

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C. The application of **Pamela Thatcher, Owner**, and **Charlie Seefried, Applicant**, for property located at **180 Middle Street**, requesting Site Plan Approval for a proposed 3-story four unit residential building with a footprint of 2,606 ± s.f. and gross floor area of 9,348 ± s.f., and a proposed 2-story one unit residential carriage house with a footprint of 959 ± s.f. and gross floor area of 1,918 ± s.f., with related paving, lighting, utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 127 as Lot 8 and lies within the Mixed Residential Office (MRO) District and the Historic District.

Voted to **approve** Site Plan Approval, with the following stipulations:

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

1. The site plan 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. That the cobblestone driveway apron shall be extended from 6’ to 12’.
4. The green screen privacy structure in front of the carriage house shall be lowered from 8’ to 6’.

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D. Request of the **Sheila L. Raeburn Living Revocable Trust, Owner, Sheila Lynn Raeburn, Trustee**, for the restoration of involuntarily merged lots for property located at **737 Woodbury Avenue**.

Voted to recommend to the City Council that the parcel at 737 Woodbury Ave be restored to its premerger status as two lots, and municipal zoning and tax maps be updated to identify the premerger status of the lots as described in deeds recorded at the Rockingham County Registry of Deeds and shown on the Standard Property Survey prepared by Easterly Survey dated 10/4/17.

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V. 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 of Attorney Kevin Baum, representing owner of 200 Spaulding Turnpike, to Comment to Proposed Gateway Mixed-Use Zoning Amendments and Request to Extend Proposed District to Farm Lane.

Discussion only. No action taken.

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VI. OTHER BUSINESS

A. Request for acceptance of a drainage and flowage easement for property located at 1275 Woodbury Avenue, from Heritage Hill Condominium Association to the City of Portsmouth.

Voted to recommend to the City Council the acceptance of a drainage and flowage easement from Heritage Hill Condominium Association for property located at 1275 Maplewood Avenue.

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B. Request for Reconsideration/Rehearing of September 20, 2017 Conditional Use Permit application for a Detached Accessory Dwelling Unit, for property located at **36 Artwill Avenue**.

Voted to **deny** the Request for Reconsideration/Rehearing (6-3 vote).

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C. Announcement of CIP Planning Board Advisory Committee.

Members appointed to the Planning Board Advisory Committee: Chair Dexter Legg, Vice Chair Elizabeth Moreau, and Jeffrey Kisiel.

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VI. ADJOURNMENT

It was moved, seconded, and passed unanimously to adjourn the meeting at 8:45 p.m.

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Respectfully Submitted,

Jane M. Shouse
Administrative Assistant