

ACTION SHEET
REGULAR MEETING
PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE

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

7:00 PM

JUNE 20, 2019

MEMBERS PRESENT: Dexter Legg, Chairman; Elizabeth Moreau, Vice-Chairman; Colby Gamester; Jay Leduc; John P. Bohenko, City Manager; Rebecca Perkins, City Council Representative; Ray Pezzullo, Assistant City Engineer; Jeffrey Kisiel; Corey Clark, Alternate, and Polly Henkel, Alternate

ALSO PRESENT: Juliet Walker, Planner Director

MEMBERS ABSENT: Jody Record

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I. APPROVAL OF MINUTES

- A. Approval of Minutes from the May 16, 2019 Planning Board Meeting.

The minutes of the May 16, 2019 meeting were unanimously approved.

II. DETERMINATIONS OF COMPLETENESS

A. SUBDIVISION REVIEW

1. The application of **Kapelos Karen E Revocable Trust of 1995 & Kapelos Karen Trustee, Owner, and Raymond Bisson, Applicant**, for property located at **88 & 100 Cardinal Lane** requesting a Lot Line Revision between two lots.

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

B. SITE PLAN REVIEW

1. The application of **The Wentworth Gardner & Tobias Lear Houses Association, Owner, and Stephen Foster, Applicant**, for property located at **49 Hunking 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.

2. The application of **Lonza Biologics, Owner, and Tighe & Bond, Applicant**, for property located at **101 International Drive** requesting Site Plan Review approval.

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

III. ZONING AMENDMENTS - PUBLIC HEARINGS – OLD BUSINESS

A. Petition by residents and homeowners of Chase Drive, Cutts Avenue, Forest Street, and Brigham Lane to reconsider the December 2017 decision to re-zone three properties located along Chase Drive and Cutts Avenue from Single Residence B (SRB) to Gateway Neighborhood Mixed Use Center (G2) and to re-zone the properties back to Single Residence B.

A motion was made and passed unanimously to refer to the Planning Department Staff for a report back with potential modifications to the current G2 zoning in this location that would address some of the concerns raised by neighborhood residents in their petition for rezoning.

IV. PUBLIC HEARINGS – OLD 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 **Great Rhythm Brewing Company, LLC, Applicant** and **Clipper Traders, LLC** for property located at **105 Bartlett Street** requesting a Conditional Use Permit in accordance with Sections 10.240 and 10.440 (#19.50) of the Zoning Ordinance to allow an Outdoor Dining or Drinking Area as an accessory use. Said property is shown on Assessor Map 157 as Lot 1 and lies within the Character District 4-W (CD4-W) District. LU #19-71.

The Board voted as follows:

That the proposal meets the conditional use permit criteria as listed in Section 10.243.20 of the Zoning Ordinance.

The Board also voted to approve the conditional use permit as presented with the following conditions:

- 1) The hours of operation for the outdoor dining area shall be limited to Monday through Saturday 12pm to 8pm and Sunday 12pm to 6pm.
- 2) No outdoor music or amplification shall be allowed or used in the approved outdoor area.
- 3) The outdoor area shall be delineated by a temporary removable fence or other barrier approved by the Planning Department.
- 4) The existing vegetated buffer along the waterfront shall remain in place and be supplemented with additional vegetation as permitted by applicable wetland protection regulations to serve as an additional sound buffer. Any additional plantings shall be reviewed and approved by the Planning Department prior to planting.
- 5) Prior to issuance of a Change of Use / Building Permit, the proposal shall be reviewed by the Conservation Commission to make recommendations on any additional protections for the wetland buffer area related to this use. The conditional use permit shall be subject to any additional recommendations of the Conservation Commission related to protection of the wetland buffer area.

6) This approval is for the outdoor drinking area only and does not include approval of the proposed lawn game area as noted on the submitted plans.

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 **Kapelos Karen E Revocable Trust of 1995 & Kapelos Karen Trustee, Owner, and Raymond Bisson, Applicant**, for property located at **88 & 100 Cardinal Lane** requesting Preliminary and Final Subdivision approval (Lot Line Revision) between two lots as follows: Lot 247 as shown on Assessor Map 292 decreasing in area from 22,448 s.f. to 16,682 s.f. with 125' of continuous street frontage on Cardinal Lane and 140' of street frontage on Lafayette Road; and Lot 164 as shown on Assessor Map 292 increasing in area from 18,845 s.f. to 24,610 s.f. with 175' of continuous street frontage on Cardinal Lane. Said properties are located in the Single-Residence B (SRB) District where the minimum lot size is 15,000 s.f. and minimum street frontage requirement is 100'. LU #19-90.

The Board voted as follows:

That the application is complete according to the Subdivision Rules and Regulations and to accept the application for consideration.

The Board also voted to grant Preliminary and Final Subdivision Approval with the following stipulations:

- 1) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.
- 2) GIS data shall be provided to the Department of Public Works in the form as required by the City.
- 3) The final plat shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

B. The application of **The Wentworth Gardner & Tobias Lear Houses Association, Owner, and Stephen Foster, Applicant**, for property located at **49 Hunking Street** requesting Site Plan approval for a 162 s.f. addition with related utilities, landscaping, drainage and associated site improvements. Said property is shown on Assessor Map 103 as Lot 39 and lies within the General Residence B (GRB) and Historic Overlay Districts. LU #19-96.

The Board voted as follows:

That the application is complete according to the Site Plan Review Regulations and to accept the application for consideration.

The Board also voted to grant Site Plan Review Approval with the following stipulations:

- 1) The site plan (Sheet C2) shall be updated to include metes and bounds for the lot.

2) The site plan shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded, as deemed appropriate by the Planning Department.

C. The application of **Lonza Biologics, Owner**, and **Tighe & Bond, Applicant**, for property located at **101 International Drive** requesting Site Plan Review approval to construct a building addition with a footprint of 500 s.f. and gross floor area of 500 s.f.; replacement of an existing 1,500-gallon nitrogen tank to a new 6,000-gallon nitrogen tank and upgrade of an existing concrete pad; installation of two (2) new generators with 3,312-gallon diesel fuel above ground storage tanks (AST), a transformer pad, switchgear housed in an enclosure, automatic transfer switch in an enclosure and associated retaining wall. Said property is shown on Assessor Map 305 as Lot 6 and lies within the Airport Business and Commercial (ABC) Districts. LU #19-99.

The Board voted as follows:

That the application is complete according to the Site Plan Review regulations and to accept the application for consideration.

The Board also voted to recommend Site Plan Review approval to the Pease Development Authority (PDA) of the application as presented.

D. The application of **Borthwick Forest, LLC, Owner**, for property located on **Borthwick Avenue and Islington Street**, requesting Amended Site Plan Review approval for the conversion of a ground level parking garage to office space and associated parking lot expansion and related stormwater management improvements. Said property is shown on Assessor Map 241 as Lot 25 and Lot 26 and lies within the Office Research (OR) District. LU #19-95.

The Board voted to grant Amended Site Plan Review Approval with the following stipulations:

- 1) Prior to construction of the reserve parking area in the future, the plans shall be submitted to the Conservation Commission for review.
- 2) The required note referencing the stormwater maintenance plan and annual inspection and maintenance schedule shall be included on the recordable plan sheet.
- 3) The Stormwater Maintenance Plan shall be updated to revise Section 1.3.3 to note that any updates to the plan (and deed) will require further review and approval as required by the Site Plan Review Regulations.
- 4) The site plan shall be reviewed for pre-approval by the Rockingham County Registry of Deeds and subsequently recorded, as deemed appropriate by the Planning Department.

E. The application of **ADL Portsmouth Residence Trust, Owner** and **MSC a division of TFMoran, Applicant** for property located at **325 Little Harbor Road** requesting a Conditional Use Permit for the conversion of an existing accessory structure (formerly caretaker's home) into a Detached Accessory Dwelling Unit with a gross floor area of 2,435 s.f. Said property is shown on Assessor Map 205 as Lot 2 and lies within the Rural (R) District. LU #19-75.

The Board voted as follows:

1. Grant a modification from the following sections:
 - 1.1) Section 10.814.52 of the Zoning Ordinance – for approval of a DADU with 3 bedrooms and 2,435+/- s.f. of gross floor area where 2 bedrooms and 1,000 s.f. is the maximum allowed.
 - 1.2) Section 10.814.532 of the Zoning Ordinance – for a building height of 24.2’ where the maximum allowed must be less than the building height of the principal single-family dwelling.
2. Find that the application satisfies the remaining requirements of 10.814.50.
3. Grant the conditional use permit as presented, with the following stipulation:
 - 3.1) In accordance with Sec. 10.814.90 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. 10.814, including the owner-occupancy requirement, and shall renew the certificate of use annually.

F. The application of **Daniel Cook and Shea Cook, Owners**, for property located at **150 Brackett Road** requesting an amendment to the Wetland Conditional Use Permit under Section 10.1017 of the Zoning Ordinance for the location of stairs from the deck which was the subject of a prior approval. The new stairs will create a new impact of 35 square feet in the tidal wetland buffer zone. Said property is shown on Assessor Map 207 as Lot 72 and lies within the Single Residence B (SRB) District. LU #19-88.

The Board voted to grant the wetland conditional use permit as presented.

VI. ADJOURNMENT

It was moved, seconded, and passed unanimously to adjourn the meeting at 10:45 p.m.

Respectfully Submitted,
Tracy Gora,
Acting Secretary for the Planning Board